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Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER III—FARM SECURITY ADMINISTRATION

[Memorandum No. 901]

PART 300—GENERAL¹

ADMINISTRATION OF THE DEFENSE HOUSING PROGRAM IN THE U. S. DEPARTMENT OF AGRICULTURE

APRIL 30, 1941.

§ 300.6 *Administration of the Defense Housing Program.* (a) The Farm Security Administration is authorized and directed to administer the program undertaken by this Department pursuant to the allocation of funds made by the President under the Urgent Deficiency Appropriation Act, 1941, approved March 1, 1941 (Public, No. 9, 77th Congress) under the heading "Emergency Funds for the President," for the provision of temporary shelter in localities where by reason of national defense activities a shortage of housing exists, as determined by the President, and where it is not practicable under existing law or through private enterprise to meet the immediate need for emergency housing.

(b) The Administrator of the Farm Security Administration, and, in his absence, the Acting Administrator, are hereby authorized to exercise and perform, in connection with the defense housing program undertaken by this Department, *supra*, the powers and functions which they are authorized to exercise and perform in connection with the resettlement program of the Farm Security Administration, so far as consistent with such defense housing program: *Provided, however*, That in the procurement of materials, supplies, articles, equipment, and machinery for use in connection with such defense housing program, the central procurement facilities of this Department shall be utilized, as provided in the Regulations of this Department and Farm Security Administration instructions as of this date.

¹ 6 F.R. 14.

(Act of March 1, 1941, Public, No. 9, 77th Congress)

[SEAL]

CLAUDE R. WICKARD,
Secretary.

[F. R. Doc. 41-3168; Filed, April 30, 1941, 11:38 a. m.]

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 499, Sup. No. 4]

PART 301—DOMESTIC QUARANTINE NOTICES

JAPANESE BEETLE ADMINISTRATIVE INSTRUCTIONS MODIFIED

EFFECTIVE MAY 1, 1941.

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.48-6, Chapter III, Title 7, Code of Federal Regulations [regulation 6 of the rules and regulations supplemental to Notice of Quarantine No. 48 on account of the Japanese beetle], paragraphs (i) (4), (k) (1), and (m) (2) of § 301.48b [see pages 6, 8, and 15, respectively, of the mimeographed edition of circular B.E.P.Q. 499, issued June 9, 1939], are hereby modified, effective May 1, 1941, to read as follows:

§ 301.48b *Administrative instructions to inspectors on the treatment of nursery products, fruits, vegetables, and soil, for the Japanese beetle:*

* * * * *

(i) *Potting soil.* * * *

(4) *Lead arsenate treatment*—(i) *Season.* The treatment must be applied before August 1.

(ii) *Condition and type of soil.* The soil must be friable. Wet soil must never be treated. The treatment is recommended only for soils that are slightly acid or neutral in reaction. Any type of soil may be treated provided it meets these requirements.

(iii) *Dosage.* Two pounds to 1 cubic yard.

(iv) *Application.* The lead arsenate must be thoroughly mixed with the soil.

¹ Originally issued as § 301.48a.

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(v) *Period of treatment.* Plants freed from soil and potted in soil treated in the above manner, by August 1, may be certified for shipment between the following October 1 and June 15 inclusive.

(vi) *Handling of potted plants.* When plants potted in lead-arsenate-treated soil are plunged in beds or set in frames exposed to possible infestation, the soil of these beds or frames must previously have been treated with lead arsenate at the rate of 1,100 pounds per acre.

(vii) *Treated plants carried after June 15.* When plants potted in soil treated as prescribed are carried after June 15, they may be again eligible for certification between October 1 and June 15 inclusive of the second year, if, on August 1 of the second year, analyses show the soil to contain lead arsenate at the rate of 2 pounds per cubic yard.

(k) *Soil in and around cold-frames, plunging beds, and heeling-in areas.* * * *

(i) *Lead arsenate treatment—(1) Season.* The treatment must be applied before August 1 if the land is to be used in the fall.

(ii) *Condition of soil.* The soil must be friable and in good tilth.

(iii) *Dosage.* Twenty-six pounds to each 1,000 square feet, or 1,100 pounds per acre. For subsequent re-treatments, the quantity required to restore a concentration of 1,100 pounds per acre, as determined by chemical analyses, must be applied, except that determination by chemical analyses of a concentration of 1,000 pounds per acre will be acceptable without re-treatment.

(iv) *Application.* The lead arsenate must be thoroughly mixed and incorporated with the upper 3 inches of soil.

(v) *Period of treatment.* Plants must not be placed on or in the soil thus treated until after October 1.

(m) *Treatment of plants before digging.* * * *

(2) *Lead arsenate treatment—(1) Season.* Treatment must be applied by July 1. Plants may be certified when the period of treatment is completed, and until the following June 15.

(ii) *Condition of soil.* The soil must be friable and in good tilth. This treatment is recommended only for soils that are slightly acid or neutral in reaction.

(iii) *Dosage.* Twenty-six pounds to each 1,000 square feet, or 1,100 pounds per acre. For subsequent re-treatments, the quantity required to restore a concentration of 1,100 pounds per acre, as

determined by chemical analyses, must be applied, except that determination by chemical analyses of a concentration of 1,000 pounds per acre will be acceptable without re-treatment.

(iv) *Period of treatment.* Plants in plots treated initially must not be dug until October 1; those on re-treated plots may be dug on September 20.

(v) *Application.* Lead arsenate must be thoroughly mixed and incorporated with the upper 3 inches of soil. The ridge of soil between the plants in the rows and the soil about the base of the plants must be removed to a depth of 2 inches and placed in the space between the rows of plants. Lead arsenate may be applied with a suitable distributor, or broadcast by hand, before or after the hoeing operation is completed. Then the soil between the rows of plants must be cultivated three times. On the last cultivation, the cultivator is adjusted in such a manner that the treated soil is thrown toward the rows of plants. At least 3 inches of treated soil must be placed in the rows about the bases of the plants.

(vi) *Varieties of plants.* The varieties of plants which have been treated successfully by this method are given in Bureau of Entomology and Plant Quarantine Circular E-418.

(vii) *Safety zone.* Same as that prescribed in paragraph (k).

(viii) *Marking.* Same as that prescribed in paragraph (k). (Issued under § 301.48)

Done at Washington, D. C., this 25th day of April 1941.

[SEAL]

LEE A. STRONG,
Chief.

[F. R. Doc. 41-3191; Filed, May 1, 1941; 11:17 a. m.]

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 728—WHEAT

SUBPART C—1941

§ 728.203 *County Wheat Acreage Allotments for 1941.* Pursuant to the authority vested in the Secretary of Agriculture under section 334, paragraph (b), Part III, Subtitle B, of Title III, of the Agricultural Adjustment Act of 1938, as amended, the State acreage allotments of wheat for 1941, as established by the proclamation dated May 13, 1940, are hereby apportioned among the counties in such States as follows:

County and Acres

Alabama: Jackson, 120; Lauderdale, 768; Limestone, 341; Madison, 857; Morgan, 427; reserve and others, 2,920.

Arizona: Apache, 637; Cochise, 503; Coconino, 1,003; Gila, 18; Graham, 1,232; Greenlee, 223; Maricopa, 24,796; Mohave, 25; Navajo, 234; Pima, 603; Pinal, 3,794; Santa Cruz, 55; Yavapai, 214; Yuma, 2,456.

Arkansas: Arkansas, 457; Baxter, 1,144; Benton, 9,240; Boone, 4,310; Carroll, 4,858; Clay, 5,739; Craighead, 2,251; Greene, 1,922; Independence, 3,041; Izard, 638; Jackson, 1,869; Madison, 2,911; Marion, 1,862; Newton, 1,081; Randolph, 1,314; Sharp, 260; Stone, 1,014; Washington, 12,193; reserve and others, 11,445.

California: Alameda, 2,867; Alpine, 100; Amador, 589; Butte, 28,850; Calaveras, 119; Colusa, 11,150; Contra Costa, 5,694; Fresno, 34,890; Glenn, 16,444; Humboldt, 73; Imperial, 14,295; Inyo, 179; Kern, 35,483; Kings, 43,075; Lake, 1,385; Lassen, 6,939; Los Angeles, 19,320; Madera, 28,905; Marin, 529; Mariposa, 25; Mendocino, 2,244; Merced, 12,015; Modoc, 7,421; Mono, 146; Monterey, 23,011; Napa, 3,239; Nevada, 30; Orange, 661; Placer, 15,691; Plumas, 668; Riverside, 18,413; Sacramento, 36,193; San Benito, 5,430; San Bernardino, 909; San Diego, 1,747; San Joaquin, 32,715; San Luis Obispo, 91,147; San Mateo, 100; Santa Barbara, 8,466; Santa Clara, 713; Santa Cruz, 30; Shasta, 5,670; Sierra, 223; Siskiyou, 14,558; Solano, 19,047; Sonoma, 1,107; Stanislaus, 13,968; Sutter, 41,658; Tehama, 8,063; Trinity, 310; Tulare, 55,824; Tuolumne, 293; Ventura, 1,450; Yolo, 15,420; Yuba, 8,922; reserve, 1,034.

Colorado: Adams, 102,844; Alamosa, 3,921; Arapahoe, 50,493; Archuleta, 2,086; Baca, 100,359; Bent, 5,728; Boulder, 23,752; Chaffee, 1,114; Cheyenne, 11,489; Conejos, 7,452; Costilla, 3,744; Crowley, 492; Custer, 1,115; Delta, 5,013; Dolores, 4,610; Douglas, 12,370; Eagle, 1,504; Elbert, 34,473; El Paso, 7,098; Fremont, 791; Garfield, 6,684; Gilpin, 15; Grand, 343; Gunnison, 134; Huerfano, 2,295; Jackson, 3; Jefferson, 16,808; Kiowa, 8,311; Kit Carson, 66,121; La Plata, 13,149; Larimer, 32,384; Las Animas, 4,999; Lincoln, 48,929; Logan, 138,192; Mesa, 4,522; Moffat, 9,591; Montezuma, 10,103; Montrose, 11,442; Morgan, 41,577; Otero, 2,973; Ouray, 1,283; Park, 23; Phillips, 125,681; Pitkin, 603; Prowers, 32,521; Pueblo, 10,393; Rio Blanco, 4,024; Rio Grande, 9,003; Routt, 13,000; Saguache, 3,121; San Miguel, 1,164; Sedgwick, 65,128; Summit, 50; Teller, 62; Washington, 110,496; Weld, 171,582; Yuma, 125,842; reserve, 721.

Delaware: Kent, 34,333; New Castle, 27,559; Sussex, 11,675.

Georgia: Appling, 20; Atkinson, 10; Bacon, 3; Baker, 32; Baldwin, 353; Banks, 1,541; Barrow, 2,462; Bartow, 979; Ben Hill, 70; Berrien, 5; Bibb, 618; Blackley, 156; Brooks, 15; Bryan, 3; Bulloch, 293; Burke, 1,110; Butts, 1,799; Calhoun, 21; Candler, 43; Carroll, 2,498; Catoosa, 69; Charlton, 3; Chattahoochee, 3; Chattooga, 53; Cherokee, 1,315; Clarke, 1,502; Clay, 29; Clayton, 1,102; Cobb, 1,464; Coffee, 28; Colquitt, 32; Columbia, 1,041; Cook, 7; Coweta, 1,857; Crawford, 806; Crisp, 317; Dade, 613; Dawson, 560; Decatur, 6; De Kalb, 1,197; Dodge, 90; Dooly, 1,301; Dougherty, 12; Douglas, 449; Early, 7; Effingham, 25; Elbert, 2,759; Emanuel, 436; Evans, 11;

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Idaho: Ada, 13,790; Adams, 2,340; Bannock, 65,458; Bear Lake, 17,243; Benewah, 19,908; Bingham, 14,445; Blaine, 3,906; Boise, 1,234; Bonner, 1,308; Bonneville, 52,325; Boundary, 14,817; Butte, 3,192; Camas, 32,455; Canyon, 23,145; Caribou, 9,899; Cassia, 19,354; Clark, 1,100; Clearwater, 7,435; Custer, 2,310; Elmore, 5,354; Franklin, 28,147; Fremont, 45,854; Gem, 4,159; Gooding, 9,478; Idaho, 66,245; Jefferson, 11,579; Jerome, 11,163; Kootenai, 22,785; Latah, 71,311; Lemhi, 2,710; Lewis, 54,251; Lincoln, 8,570; Madison, 47,880; Minidoka, 4,678; Nez Perce, 69,285; Oneida, 69,767; Owyhee, 5,213; Payette, 4,030; Power, 77,283; Teton, 26,500; Twin Falls, 26,018; Valley, 3,236; Washington, 13,477.

Illinois: Adams, 48,291; Alexander, 4,990; Bond, 20,781; Boone, 1,601; Brown, 9,499; Bureau, 7,081; Calhoun, 9,600; Carroll, 1,245; Cass, 29,642; Champaign, 19,449; Christian, 52,413; Clark, 15,640; Clay, 4,624; Clinton, 52,079; Coles, 14,295; Cook, 2,973; Crawford, 12,718; Cumberland, 4,094; De Kalb, 3,519; De Witt, 9,993; Douglas, 12,062; Du Page, 2,674; Edgar, 33,580; Edwards, 13,241; Effingham, 14,203; Fayette, 21,464; Ford, 1,246; Franklin, 9,436; Fulton, 43,379; Gallatin, 17,267; Greene, 35,302; Grundy, 1,666; Hamilton, 9,402; Hancock, 35,899; Hardin, 217; Henderson, 10,160; Henry, 4,918; Iroquois, 6,961; Jackson, 30,910; Jasper, 6,839; Jefferson, 9,912; Jersey, 26,535; Jo Daviess, 808; Johnson, 1,337; Kane, 3,618; Kankakee, 7,973; Kendall, 1,832; Knox, 5,724; Lake, 3,323; La Salle, 5,854; Lawrence, 21,356; Lee, 5,959; Liv-

ingston, 3,877; Logan, 56,819; McDonough, 28,340; McHenry, 3,705; McLean, 14,211; Macon, 31,106; Macoupin, 53,753; Madison, 78,858; Marion, 9,996; Marshall, 4,137; Mason, 57,498; Massac, 4,836; Menard, 31,586; Mercer, 5,219; Monroe, 50,002; Montgomery, 42,015; Morgan, 47,408; Moultrie, 12,088; Ogle, 1,906; Peoria, 13,049; Perry, 24,283; Piatt, 19,854; Pike, 50,467; Pope, 2,457; Pulaski, 4,965; Putnam, 3,302; Randolph, 60,017; Richland, 7,756; Rock Island, 3,619; St. Clair, 79,760; Saline, 14,281; Sangamon, 65,966; Schuyler, 25,694; Scott, 23,921; Shelby, 15,241; Stark, 1,093; Stephenson, 1,740; Tazewell, 39,535; Union, 8,967; Vermilion, 25,654; Wabash, 18,794; Warren, 4,750; Washington, 74,966; Wayne, 8,056; White, 35,658; Whiteside, 14,431; Will, 8,080; Williamson, 6,658; Winnebago, 2,022; Woodford, 4,668.

Indiana: Adams, 16,812; Allen, 26,700; Bartholomew, 32,409; Benton, 6,671; Blackford, 5,256; Boone, 17,282; Brown, 892; Carroll, 20,256; Cass, 18,938; Clark, 11,674; Clay, 18,029; Clinton, 29,532; Crawford, 4,545; Daviess, 21,127; Dearborn, 10,247; Decatur, 31,549; De Kalb, 20,580; Delaware, 13,099; Dubois, 24,673; Elkhart, 24,285; Fayette, 16,041; Floyd, 3,417; Fountain, 19,372; Franklin, 20,325; Fulton, 10,788; Gibson, 36,784; Grant, 12,707; Greene, 14,678; Hamilton, 20,209; Hancock, 17,208; Harrison, 16,117; Hendricks, 18,520; Henry, 19,649; Howard, 13,292; Huntington, 13,478; Jackson, 22,394; Jasper, 11,263; Jay, 14,786; Jefferson, 9,179; Jennings, 8,465; Johnson, 26,512; Knox, 50,124; Kosciusko, 26,560; LaGrange, 23,894; Lake, 10,146; La Porte, 30,775; Lawrence, 7,997; Madison, 20,220; Marion, 15,616; Marshall, 19,286; Martin, 4,327; Miami, 18,857; Monroe, 3,823; Montgomery, 27,363; Morgan, 16,810; Newton, 5,462; Noble, 23,249; Ohio, 2,686; Orange, 8,187; Owen, 5,716; Parke, 16,867; Perry, 10,020; Pike, 11,338; Porter, 15,936; Posey, 42,013; Pulaski, 11,319; Putnam, 13,959; Randolph, 20,994; Ripley, 19,554; Rush, 40,729; St. Joseph, 22,400; Scott, 3,989; Shelby, 40,919; Spencer, 25,070; Starke, 7,466; Steuben, 13,153; Sullivan, 22,885; Switzerland, 5,356; Tippecanoe, 29,325; Tipton, 13,873; Union, 14,754; Vanderburgh, 18,061; Vermillion, 14,594; Vigo, 20,374; Wabash, 20,037; Warren, 11,129; Warrick, 18,964; Washington, 12,179; Wayne, 26,608; Wells, 11,719; White, 13,507; Whitley, 14,403.

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Maryland: Allegany, 2,216; Anne Arundel, 2,021; Baltimore, 17,027; Calvert, 771; Caroline, 18,923; Carroll, 38,670; Cecil, 18,768; Charles, 5,319; Dorchester, 16,386; Frederick, 55,996; Garrett, 3,144; Harford, 10,574; Howard, 14,168; Kent, 27,587; Montgomery, 26,335; Prince Georges, 5,133; Queen Annes, 35,476; St. Marys, 7,865; Somerset, 2,904; Talbot, 26,828; Washington, 39,140; Wicomico, 1,891; Worcester, 5,345.

Michigan: Alcona, 1,326; Alger, 64; Allegan, 24,619; Alpena, 2,585; Antrim, 848; Arenac, 1,387; Baraga, 89; Barry, 19,003; Bay, 7,877; Benzie, 579; Berrien, 14,538; Branch, 22,509; Calhoun, 28,408; Cass, 17,535; Charlevoix, 998; Cheboygan, 448; Chippewa, 1,469; Clare, 1,228; Clinton, 28,786; Crawford, 22; Delta, 292; Dickinson, 88; Eaton, 28,794; Emmet, 744; Genesee, 18,182; Gladwin, 1,062; Gogebic, 36; Grand Traverse, 1,732; Gratiot, 14,998; Hillsdale, 20,997; Houghton, 318; Huron, 27,994; Ingham, 15,676; Ionia, 27,232; Iosco, 520; Iron, 68; Isabella, 8,222; Jackson, 17,957; Kalamazoo, 21,645; Kalkaska, 392; Kent, 19,243; Keweenaw, 16; Lake, 426; Lapeer, 13,080; Leelanau, 2,019; Lenawee, 31,354; Livingston, 12,826; Luce, 40; Mackinac, 300; Macomb, 14,932; Manistee, 1,452; Marquette, 36; Mason, 3,661; Mecosta, 1,867; Menominee, 652; Midland, 1,847; Missaukee, 1,858; Monroe, 27,904; Montcalm, 10,863; Montmorency, 604; Muskegon, 3,242; Newaygo, 4,042; Oakland, 7,432;

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Minnesota: Aitkin, 366; Anoka, 2,194; Becker, 20,105; Beltrami, 1,059; Benton, 3,502; Big Stone, 47,981; Blue Earth, 28,077; Brown, 19,456; Carlton, 217; Carver, 10,500; Cass, 602; Chippewa, 32,726; Chisago, 4,524; Clay, 83,782; Clearwater, 5,084; Cottonwood, 5,484; Crow Wing, 454; Dakota, 21,645; Dodge, 4,716; Douglas, 24,108; Faribault, 7,771; Fillmore, 7,847; Freeborn, 5,525; Goodhue, 20,379; Grant, 25,720; Hennepin, 7,929; Houston, 2,152; Hubbard, 1,372; Isanti, 4,335; Itasca, 448; Jackson, 2,248; Kanabec, 878; Kandiyohi, 19,687; Kittson, 74,846; Koochiching, 876; Lac qui Parle, 63,190; Lake, 36; Lake of the Woods, 889; Le Sueur, 31,647; Lincoln, 16,782; Lyon, 15,520; McLeod, 16,193; Mahanomen, 9,382; Marshall, 81,713; Martin, 3,291; Meeker, 21,511; Mille Lacs, 894; Morrison, 12,282; Mower, 4,115; Murray, 2,515; Nicollet, 17,366; Nobles, 943; Norman, 55,860; Olmsted, 7,099; Otter Tail, East, 19,094; Otter Tail, West, 42,861; Pennington, 8,745; Pine, 1,584; Pipestone, 1,644; Polk, East, 27,249; Polk, West, 133,063; Pope, 29,010; Ramsey, 506; Red Lake, 14,920; Redwood, 26,780; Ren-ville, 45,477; Rice, 18,554; Rock, 861; Roseau, 11,862; St. Louis, North, 610; St. Louis, South, 415; Scott, 20,147; Sherburne, 3,430; Sibley, 22,884; Stearns, 30,604; Steele, 7,385; Stevens, 38,497; Swift, 39,703; Todd, 9,017; Traverse, 55,373; Wabasha, 9,592; Wadena, 1,584; Waseca, 14,781; Washington, 6,367; Watonwan, 4,697; Wilkin, 69,143; Winona, 7,010; Wright, 20,126; Yellow Medicine, 48,599.

Missouri: Adair, 2,148; Andrew, 16,026; Atchison, 21,077; Audrain, 9,269; Barry, 19,103; Barton, 34,372; Bates, 47,512; Benton, 12,163; Bollinger, 9,050; Boone, 13,935; Buchanan, 35,209; Butler, 4,664; Caldwell, 12,158; Callaway, 16,143; Camden, 2,913; Cape Girardeau, 21,617; Carroll, 55,787; Carter, 762; Cass, 41,965; Cedar, 15,486; Chariton, 42,411; Christian, 11,839; Clark, 9,392; Clay, 16,309; Clinton, 14,400; Cole, 17,122; Cooper, 42,301; Crawford, 5,752; Dade, 24,659; Dallas, 7,427; Daviess, 16,973; De Kalb, 12,406; Dent, 5,032; Douglas, 5,530; Dunklin, 2,662; Franklin, 37,164; Gasconade, 18,192; Gentry, 11,969; Greene, 23,886; Grundy, 5,153; Harrison, 8,870; Henry, 27,280; Hickory, 7,619; Holt, 26,512; Howard, 20,904; Howell, 6,800; Iron, 2,510; Jackson, 25,362; Jasper, 54,884; Jefferson, 9,963; Johnson, 46,986; Knox, 2,675; Laclede, 9,464; Lafayette, 55,090; Lawrence, 40,698; Lewis, 12,826; Lincoln, 31,951; Linn, 8,304; Livingston, 16,586; McDonald, 8,619; Macon, 8,282; Madison, 2,632; Maries, 9,808; Marion, 20,833; Mercer, 2,484; Miller, 13,580; Mississippi,

16,107; Moniteau, 20,463; Monroe, 8,194; Montgomery, 14,902; Morgan, 13,477; New Madrid, 14,384; Newton, 35,325; Nodaway, 31,069; Oregon, 2,764; Osage, 20,119; Ozark, 5,265; Pemiscot, 360; Perry, 21,310; Pettis, 40,060; Phelps, 6,812; Pike, 22,125; Platte, 44,324; Polk, 18,047; Pulaski, 4,377; Putnam, 1,518; Ralls, 12,325; Randolph, 8,186; Ray, 28,936; Reynolds, 1,665; Ripley, 2,148; St. Charles, 57,842; St. Clair, 18,567; St. Francois, 7,097; St. Louis, 22,764; St. Genevieve, 10,717; Saline, 58,710; Schuyler, 1,718; Scotland, 2,004; Scott, 33,055; Shannon, 2,033; Shelby, 5,638; Stoddard, 24,957; Stone, 4,051; Sullivan, 2,627; Taney, 1,838; Texas, 11,062; Vernon, 43,068; Warren, 20,802; Washington, 6,626; Wayne, 3,110; Webster, 8,197; Worth, 5,123; Wright, 5,900.

Montana: Beaverhead, 2,680; Big Horn, 63,479; Blaine, 74,188; Broadwater, 11,404; Carbon, 36,032; Carter, 17,007; Cascade, 131,375; Chouteau, 280,939; Custer, 24,726; Daniels, 182,021; Dawson, 131,022; Deer Lodge, 646; Fallon, 72,513; Fergus, 223,617; Flathead, 29,487; Gallatin, 67,518; Garfield, 40,248; Glacier, 36,460; Golden Valley, 22,987; Granite, 2,194; Hill, 250,072; Jefferson, 5,246; Judith Basin, 117,722; Lake, 27,248; Lewis and Clark, 11,283; Liberty, 82,989; Lincoln, 1,699; McCone, 110,308; Madison, 10,416; Meagher, 2,462; Mineral, 1,209; Missoula, 10,378; Musselshell, 23,833; Park, 25,593; Petroleum, 9,588; Phillips, 75,710; Pondera, 119,039; Powder River, 22,237; Powell, 3,301; Prairie, 52,949; Ravalli, 6,843; Richland, 131,324; Roosevelt, 236,909; Rosebud, 32,454; Sanders, 7,126; Sheridan, 243,682; Silver Bow, 184; Stillwater, 82,530; Sweet Grass, 12,841; Teton, 136,897; Toole, 81,500; Treasure, 10,423; Valley, 219,559; Wheatland, 11,658; Wibaux, 57,496; Yellowstone, 82,003.

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Nevada: Churchill, 4,113; Clark, 634; Douglas, 1,225; Elko, 1,006; Esmeralda, 21; Eureka, 66; Humboldt, 693; Lander, 157; Lincoln, 93; Lyon, 1,796; Mineral, 157; Nye, 174; Ormsby, 56; Pershing, 2,500; Storey, 18; Washoe, 1,612; White Pine, 358.

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Lee, 2,030; Lenoir, 42; Lincoln, 11,271; McDowell, 2,210; Macon, 2,213; Madison, 5,056; Martin, 8; Mecklenburg, 7,061; Mitchell, 1,253; Montgomery, 5,936; Moore, 6,841; Nash, 1,413; New Hanover, 2; Northampton, 302; Onslow, 14; Orange, 6,601; Pamlico, 22; Pasquotank, 67; Pender, 39; Perquimans, 22; Person, 5,721; Pitt, 216; Polk, 1,266; Randolph, 17,642; Richmond, 2,841; Robeson, 2,518; Rockingham, 7,959; Rowan, 19,433; Ruthersford, 7,739; Sampson, 752; Scotland, 1,806; Stanly, 19,576; Stokes, 8,275; Surry, 7,383; Swain, 520; Transylvania, 92; Tyrrell, 23; Union, 14,667; Vance, 1,549; Wake, 3,979; Warren, 2,790; Washington, 43; Watauga, 1,008; Wayne, 343; Wilkes, 8,572; Wilson, 346; Yadkin, 8,900; Yancey, 1,981.

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Ohio: Adams, 13,375; Allen, 25,573; Ashland, 24,676; Ashtabula, 6,235; Athens, 4,387; Auglaize, 29,623; Belmont, 6,578; Brown, 12,139; Butler, 33,108; Carroll, 8,617; Champaign, 27,462; Clark, 28,968; Clermont, 7,101; Clinton, 34,782; Columbiana, 14,161; Coshocton, 16,298; Crawford, 28,005; Cuyahoga, 1,909; Darke, 47,200; Defiance, 27,693; Delaware, 22,616; Erie, 15,808; Fairfield, 41,353; Fayette, 35,447; Franklin, 33,053; Fulton, 25,572; Gallia, 5,900; Geauga, 3,562; Greene, 32,933; Guernsey, 6,378; Hamilton, 7,151; Hancock, 42,977; Hardin, 28,062; Harrison, 4,692; Henry, 30,319; Highland, 33,073; Hocking, 6,471; Holmes, 22,770; Huron, 30,595; Jackson, 4,611; Jefferson, 4,300; Knox, 28,342; Lake, 1,625; Lawrence, 1,260; Licking, 30,613; Logan, 19,920; Lorain, 18,431; Lucas, 12,225; Madison, 36,441; Mahoning, 9,210; Marion, 24,142; Medina, 18,755; Meigs, 6,307; Mercer, 30,772; Miami, 35,380; Monroe, 5,394; Montgomery, 28,670; Morgan, 5,798; Morrow, 18,971; Muskingum, 12,605; Noble, 4,784; Ottawa, 17,035; Paulding, 20,279; Perry, 12,789; Pickaway, 57,212; Pike, 7,838; Portage, 11,127; Preble, 36,050; Putnam, 43,755; Richland, 27,890; Ross, 40,610; Sandusky, 33,162; Scioto, 5,726; Seneca, 49,181; Shelby, 25,641; Stark, 25,096;

Summit, 7,625; Trumbull, 7,810; Tuscarawas, 16,692; Union, 20,287; Van Wert, 16,556; Vinton, 2,535; Warren, 23,190; Washington, 8,843; Wayne, 43,799; Williams, 26,337; Wood, 42,047; Wyandot, 32,752.

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Oregon: Baker, 12,399; Benton, 6,913; Clackamas, 11,930; Clatsop, 50; Columbia, 2,012; Coos, 66; Crook, 5,020; Curry, 28; Deschutes, 2,252; Douglas, 5,892; Gilliam, 100,482; Grant, 2,075; Harney, 2,292; Hood River, 88; Jackson, 6,641; Jefferson, 31,960; Josephine, 1,479; Klamath, 9,738; Lake, 4,032; Lane, 11,477; Lincoln, 36; Linn, 17,914; Malheur, 12,128; Marion, 18,431; Morrow, 104,427; Multnomah, 601; Polk, 12,401; Sherman, 109,327; Umatilla, 203,380; Union, 42,199; Wallowa, 22,726; Wasco, 57,662; Washington, 13,214; Wheeler, 3,633; Yamhill, 14,211.

Pennsylvania: Adams, 35,253; Allegheny, 5,697; Armstrong, 12,291; Beaver, 4,524; Bedford, 18,136; Berks, 44,012; Blair, 9,957; Bradford, 3,559; Bucks, 19,919; Butler, 12,215; Cambria, 3,820; Cameron, 11; Carbon, 2,792; Centre, 19,627; Chester, 24,573; Clarion, 11,828; Clearfield, 3,802; Clinton, 5,785; Columbia, 17,137; Crawford, 6,834; Cumberland, 35,390; Dauphin, 19,180; Delaware, 1,686; Elk, 186; Erie, 3,664; Fayette, 7,775; Forest, 428; Franklin, 57,741; Fulton, 13,304; Greene, 4,661; Huntingdon, 12,978; Indiana, 13,435; Jefferson, 5,654; Juniata, 12,078; Lackawanna, 50; Lancaster, 72,651; Lawrence, 8,131; Lebanon, 21,591; Lehigh, 22,362; Luzerne, 4,446; Lycoming, 16,117; McKean, 42; Mercer, 9,781; Mifflin, 11,219; Monroe, 3,454; Montgomery, 15,143; Montour, 7,825; Northampton, 18,505; Northumberland, 19,636; Perry, 16,771; Philadelphia, 455; Pike, 85; Potter, 94; Schuylkill, 13,208; Snyder, 13,469;

Somerset, 9,679; Sullivan, 254; Susquehanna, 209; Tioga, 684; Union, 12,981; Venango, 2,613; Warren, 861; Washington, 10,283; Wayne, 52; Westmoreland, 18,574; Wyoming, 546; York, 68,386.

South Carolina: Abbeville, 4,875; Aiken, 3,619; Allendale, 170; Anderson, 10,229; Bamberg, 559; Barnwell, 667; Calhoun, 937; Cherokee, 5,711; Chester, 2,151; Chesterfield, 4,190; Clarendon, 341; Darlington, 3,374; Dillon, 1,030; Edgefield, 2,821; Fairfield, 1,683; Florence, 678; Greenville, 7,049; Greenwood, 3,654; Hampton, 80; Kershaw, 1,183; Lancaster, 1,377; Laurens, 5,952; Lee, 3,041; Lexington, 7,488; McCormick, 1,361; Marion, 294; Marlboro, 1,595; Newberry, 6,240; Oconee, 3,008; Orangeburg, 4,261; Pickens, 3,501; Richland, 2,323; Saluda, 6,550; Spartanburg, 13,925; Sumter, 1,584; Union, 2,428; Williamsburg, 29; York, 5,110; reserve and others, 1,097.

South Dakota: Aurora, 38,199; Beadle, 95,749; Bennett, 57,666; Bon Homme, 24,878; Brookings, 11,246; Brown, 236,463; Brule, 31,634; Buffalo, 4,390; Butte, 9,991; Campbell, 98,306; Charles Mix, 60,640; Clark, 75,058; Clay, 9,003; Codington, 52,443; Corson, 100,652; Custer, 9,466; Davison, 19,773; Day, 118,314; Deuel, 19,889; Dewey, 42,183; Douglas, 25,728; Edmunds, 120,786; Fall River, 23,622; Faulk, 95,240; Grant, 49,645; Gregory, 23,737; Haakon, 37,412; Hamlin, 26,908; Hand, 88,969; Hanson, 26,145; Harding, 23,076; Hughes, 18,668; Hutchinson, 54,280; Hyde, 23,633; Jackson, 17,908; Jerauld, 31,664; Jones, 39,794; Kingsbury, 33,060; Lake, 6,764; Lawrence, 7,795; Lincoln, 5,522; Lyman, 69,194; McCook, 15,398; McPherson, 114,517; Marshall, 79,721; Meade, 62,934; Mellette, 25,797; Miner, 23,318; Minnehaha, 3,313; Moody, 2,706; Pennington, 65,649; Perkins, 92,593; Potter, 64,444; Roberts, 87,563; Sanborn, 32,221; Shannon, 22,540; Spink, 262,567; Stanley, 12,662; Sully, 54,827; Todd, 13,170; Tripp, 66,306; Turner, 13,648; Union, 18,341; Walworth, 89,874; Washabaugh, 16,909; Washington, 7,670; Yankton, 13,126; Ziebach, 27,616.

Tennessee: Anderson, 1,138; Bedford, 10,093; Benton, 330; Bledsoe, 1,970; Blount, 8,378; Bradley, 2,475; Campbell, 1,172; Cannon, 2,706; Carroll, 189; Carter, 3,441; Cheatham, 3,081; Chester, 99; Claiborne, 4,746; Clay, 1,013; Cocke, 7,604; Coffee, 4,118; Crockett, 562; Cumberland, 318; Davidson, 3,925; Decatur, 55; DeKalb, 4,200; Dickson, 2,741; Dyer, 1,691; Fayette, 107; Fentress, 631; Franklin, 5,926; Gibson, 1,018; Giles, 5,659; Grainger, 4,232; Greene, 23,815; Grundy, 1,148; Hamblen, 6,042; Hamilton, 1,318; Hancock, 2,700; Hardeman, 125; Hardin, 57; Hawkins, 8,569; Haywood, 229; Henderson, 43; Henry, 2,312; Hickman, 1,441; Houston, 680; Humphreys, 2,484; Jackson, 1,792; Jefferson, 10,335; Johnson, 2,885; Knox, 4,485; Lake, 58; Lauderdale, 757; Lawrence, 2,756; Lewis, 385; Lincoln, 9,788; Loudon, 4,906; McMinn, 5,866; McNairy, 27; Macon, 2,394; Madison, 192; Marion, 622; Marshall, 8,922; Maury, 14,439; Meigs, 2,194; Monroe,

6,958; Montgomery, 8,348; Moore, 1,669; Morgan, 259; Obion, 6,901; Overton, 2,429; Perry, 66; Pickett, 1,524; Polk, 993; Putnam, 2,087; Rhea, 1,685; Roane, 2,366; Robertson, 20,698; Rutherford, 9,221; Scott, 57; Sequatchie, 687; Sevier, 8,270; Shelby, 166; Smith, 7,134; Stewart, 2,719; Sullivan, 13,332; Sumner, 18,649; Tipton, 312; Trousdale, 2,600; Unicoi, 1,108; Union, 2,126; Van Buren, 172; Warren, 2,900; Washington, 13,652; Wayne, 577; Weakley, 791; White, 2,206; Williamson, 16,043; Wilson, 10,343.

Texas: Archer, 23,898; Armstrong, 94,504; Bailey, 10,290; Bandera, 384; Baylor, 38,740; Bell, 7,430; Bexar, 2,693; Blanco, 845; Borden, 1,244; Bosque, 12,388; Briscoe, 45,992; Brown, 19,006; Burnet, 1,389; Callahan, 12,066; Carson, 170,890; Castro, 200,826; Childress, 19,503; Clay, 24,660; Coke, 1,550; Coleman, 14,340; Collin, 34,092; Collingsworth, 12,207; Comal, 796; Comanche, 7,158; Concho, 13,200; Cooke, 38,545; Coryell, 8,022; Cottle, 9,100; Crosby, 43,431; Dal- lam, 61,973; Dallas, 20,511; Dawson, 2,111; Deaf Smith, 295,879; Delta, 124; Denton, 48,331; Dickens, 17,142; Donley, 11,229; Eastland, 8,075; Ellis, 8,361; El Paso, 15; Erath, 3,935; Falls, 477; Fannin, 6,793; Fisher, 7,418; Floyd, 173,605; Foard, 50,195; Franklin, 26; Garza, 903; Gillespie, 5,775; Gray, 106,538; Grayson, 31,678; Guadalupe, 276; Hale, 189,965; Hall, 1,375; Hamilton, 9,187; Hansford, 212,757; Hardeman, 59,909; Hartley, 80,128; Haskell, 32,583; Hays, 122; Hemp- hill, 27,107; Hill, 3,296; Hockley, 1,109; Hood, 1,311; Howard, 4,697; Hunt, 3,845; Hutchinson, 65,847; Jack, 8,670; Johnson, 4,140; Jones, 26,060; Kaufman, 985; Ken- dall, 7,040; Kent, 1,780; Kerr, 4,097; King, 3,098; Knox, 22,692; Lamar, 187; Lamb, 27,817; Lampasas, 2,322; Lime- stone, 59; Lipscomb, 115,582; Lubbock, 23,591; Lynn, 4,784; McCulloch, 8,850; McLennan, 9,127; Martin, 1,205; Medina, 1,380; Menard, 660; Milam, 45; Mills, 3,300; Mitchell, 3,077; Montague, 2,332; Moore, 121,274; Motley, 2,475; Navarro, 455; Nolan, 14,850; Ochiltree, 246,156; Oldham, 73,176; Palo Pinto, 7,731; Parker, 6,305; Parmer, 123,273; Pecos, 137; Pot- ter, 32,682; Rains, 32; Randall, 179,978; Red River, 7; Roberts, 30,159; Rockwall, 486; Runnels, 21,450; San Saba, 1,100; Schleicher, 1,174; Scurry, 12,100; Shack- elford, 9,350; Sherman, 199,630; Somer- vell, 485; Stephens, 16,111; Sterling, 651; Stonewall, 10,001; Swisher, 218,440; Tar- rant, 12,407; Taylor, 31,450; Throckmor- ton, 17,734; Tom Green, 5,842; Uvalde, 13; Wheeler, 14,260; Wichita, 42,709; Wilbarger, 35,200; Williamson, 169; Wise, 12,344; Young, 29,045; reserve and others, 15,817.

Utah: Beaver, 983; Box Elder, 75,840; Cache, 33,793; Carbon, 932; Daggett, 185; Davis, 3,154; Duchesne, 4,111; Emery, 4,068; Garfield, 604; Grand, 109; Iron, 801; Juab, 17,626; Kane, 305; Mil- lard, 10,152; Morgan, 1,548; Piute, 708; Rich, 1,605; Salt Lake, 17,775; San Juan, 4,258; Sanpete, 11,137; Sevier, 4,744; Summit, 1,282; Tooele, 6,062; Uintah, 3,946; Utah, 19,727; Wasatch, 1,101;

Washington, 2,452; Wayne, 874; Weber, 5,236; reserve, 351.

Virginia: Accomac, 824; Albemarle, 6,012; Alleghany, 1,266; Amelia, 4,440; Amherst, 4,395; Appomattox, 4,983; Arlington, 25; Augusta, 39,373; Bath, 1,879; Bedford, 11,856; Bland, 2,690; Botetourt, 5,922; Brunswick, 3,122; Buchanan, 534; Buckingham, 5,908; Campbell, 8,329; Caroline, 6,932; Carroll, 4,930; Charles City, 1,124; Charlotte, 6,337; Chesterfield, 1,432; Clarke, 9,263; Craig, 1,841; Culpeper, 8,348; Cumberland, 3,799; Dickenson, 672; Dinwiddie, 2,574; Elizabeth City, 79; Essex, 4,405; Fairfax, 4,245; Fauquier, 14,207; Floyd, 4,930; Fluvanna, 3,336; Franklin, 13,191; Frederick, 10,541; Giles, 3,288; Gloucester, 1,256; Goochland, 3,666; Grayson, 4,590; Greene, 3,200; Greensville, 251; Halifax, 10,904; Hanover, 6,087; Henrico, 2,008; Henry, 3,584; Highland, 1,111; Isle of Wight, 58; James City, 162; King and Queen, 2,518; King George, 2,691; King William, 2,616; Lancaster, 1,297; Lee, 4,436; Loudoun, 22,097; Louisa, 6,668; Lunenburg, 3,571; Madison, 6,831; Mathews, 252; Mecklenburg, 5,588; Middlesex, 1,346; Montgomery, 5,950; Nansemond, 146; Nelson, 3,871; New Kent, 508; Norfolk, 344; Northampton, 166; Northumberland, 3,906; Nottoway, 2,947; Orange, 7,215; Page, 9,844; Patrick, 3,766; Pittsylvania, 20,613; Powhatan, 2,443; Prince Edward, 4,220; Prince George, 1,260; Prince William, 7,145; Princess Anne, 382; Pulaski, 6,694; Rappahannock, 2,546; Richmond, 4,844; Roanoke, 3,190; Rockbridge, 14,932; Rockingham, 33,504; Russell, 6,746; Scott, 5,388; Shenandoah, 16,293; Smyth, 6,415; Southampton, 60; Spotsylvania, 4,448; Stafford, 2,176; Surry, 69; Sussex, 222; Tazewell, 4,019; Warren, 5,985; Warwick, 161; Washington, 12,952; Westmoreland, 6,128; Wise, 502; Wythe, 9,814; York, 82.

Washington: Adams, 252,842; Asotin, 27,361; Benton, 36,088; Chelan, 889; Clallam, 214; Clark, 2,010; Columbia, 68,791; Cowlitz, 229; Douglas, 136,587; Ferry, 3,347; Franklin, 85,452; Garfield, 60,887; Grant, 104,042; Grays Harbor, 485; Island, 2,183; Jefferson, 110; King, 79; Kitsap, 41; Kittitas, 10,727; Klickitat, 49,140; Lewis, 3,645; Lincoln, 295,014; Mason, 85; Okanogan, 19,966; Pacific, 39; Pend Oreille, 925; Pierce, 241; San Juan, 569; Skagit, 780; Skamania, 16; Snohomish, 120; Spokane, 114,334; Stevens, 15,314; Thurston, 613; Wahkiakum, 2; Walla Walla, 170,717; Whatcom, 1,122; Whitman, 358,076; Yakima, 26,288; reserve, 1,548.

West Virginia: Barbour, 2,244; Berkeley, 11,625; Boone, 108; Braxton, 3,108; Brooke, 513; Cabell, 1,273; Calhoun, 1,216; Clay, 537; Doddridge, 577; Fayette, 894; Gilmer, 968; Grant, 3,050; Greenbrier, 6,968; Hampshire, 4,115; Hancock, 600; Hardy, 4,487; Harrison, 1,492; Jackson, 3,587; Jefferson, 18,858; Kanawha, 844; Lewis, 1,245; Lincoln, 1,422; Logan, 57; Marion, 1,298; Marshall, 3,454; Mason, 5,503; Mercer, 3,662; Mineral, 1,627;

Monongalia, 1,213; Monroe, 7,020; Morgan, 2,952; Nicholas, 1,900; Ohio, 1,093; Pendleton, 4,323; Pleasants, 460; Pocahontas, 1,727; Preston, 3,982; Putnam, 2,490; Raleigh, 549; Randolph, 1,184; Ritchie, 1,202; Roane, 2,745; Summers, 3,304; Taylor, 403; Tucker, 316; Tyler, 946; Upshur, 1,496; Wayne, 813; Webster, 236; Wetzel, 2,412; Wirt, 795; Wood, 2,542; Wyoming, 86.

Wisconsin: Adams, 213; Ashland, 233; Barron, 1,799; Bayfield, 931; Brown, 1,411; Buffalo, 1,882; Burnett, 1,075; Calumet, 2,310; Chippewa, 692; Clark, 332; Columbia, 2,120; Crawford, 858; Dane, 2,756; Dodge, 2,761; Door, 4,251; Douglas, 528; Dunn, 2,585; Eau Claire, 1,607; Florence, 45; Fond du Lac, 1,629; Forest, 122; Grant, 1,231; Green, 430; Green Lake, 1,329; Iowa, 732; Iron, 65; Jackson, 1,764; Jefferson, 2,511; Juneau, 504; Kenosha, 1,350; Kewaunee, 2,625; La Crosse, 713; Lafayette, 421; Langlade, 92; Lincoln, 80; Manitowish, 1,791; Marathon, 1,156; Marinette, 1,167; Marquette, 371; Milwaukee, 466; Monroe, 998; Oconto, 1,497; Oneida, 44; Outagamie, 811; Ozaukee, 851; Pepin, 1,500; Pierce, 6,795; Polk, 4,243; Portage, 722; Price, 58; Racine, 1,392; Richland, 864; Rock, 3,110; Rusk, 232; St. Croix, 5,272; Sauk, 3,526; Sawyer, 79; Shawano, 2,052; Sheboygan, 1,747; Taylor, 137; Trempealeau, 4,025; Vernon, 1,257; Vilas, 55; Walworth, 1,397; Washburn, 145; Washington, 2,426; Waukesha, 1,475; Waupaca, 950; Wausara, 691; Winnebago, 1,594; Wood, 164.

Wyoming: Albany, 772; Big Horn, 5,001; Campbell, 40,661; Carbon, 2,299; Converse, 13,538; Crook, 29,088; Fremont, 6,902; Goshen, 71,601; Hot Springs, 1,421; Johnson, 7,281; Laramie, 55,954; Lincoln, 3,097; Natrona, 270; Niobrara, 12,388; Park, 5,278; Platte, 30,078; Sheridan, 28,920; Sublette, 56; Sweetwater, 475; Teton, 575; Uinta, 1,132; Washakie, 673; Weston, 18,537; Reserve, 2,586.

(Sec. 334 (b), 375 (b), 52 Stat. 54, 66, 203; 16 U.S.C., Sup., 1334 (b), 1375 (b))

Done at Washington, D. C. this 1st day of May 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPELEY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-3193; Filed, May 1, 1941; 11:18 a. m.]

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[Order No. 54]

PART 954—MILK IN DULUTH-SUPERIOR MARKETING AREA

Sec.	Findings.
954.0	Findings.
954.1	Definitions.
954.2	Market administrator.
954.3	Reports of handlers.
954.4	Classification of milk.
954.5	Minimum prices.
954.6	Application of provisions.
954.7	Determination of uniform prices.
954.8	Payment for milk.

Sec.

954.9	Expenses of administration.
954.10	Marketing services.
954.11	Effective time, suspension, or termination.

Under the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture of the United States is empowered, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof.

Under the terms and provisions of said act, the Secretary of Agriculture is empowered to issue orders applicable to processors, producers, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of section 8c, such orders to regulate only such handling of such agricultural commodity or product thereof as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof.

The Secretary, having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of milk in the Duluth-Superior marketing area would tend to effectuate the declared policy of the act, gave, on February 3, 1941, notice of a hearing,¹ which hearing was held on February 20, 1941, at Duluth, Minnesota, at which all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and proposed order.

The Secretary, on April 30, 1941, executed a marketing agreement which was signed by handlers of not less than fifty (50) percent of the volume of milk covered by such order, which is marketed within the marketing area, said marketing agreement regulating the handling of such milk in the same manner as this order.

The Secretary determined on April 30, 1941,² that the issuance of this order is approved or favored by at least two-thirds of the producers who during the month of January 1941 (said month having been determined by the Secretary to be a representative period) were engaged in the production of milk for sale in said marketing area.

The Secretary has found and proclaimed³ the period from August 1919-July 1929 to be the base period to be used in connection with the ascertainment of

¹ 6 F.R. 762.

² See F.R. Doc. 41-3189, *infra*.

³ See F.R. Doc. 41-3188, *infra*.

the purchasing power of milk handled in the Duluth-Superior marketing area.

The Secretary finds that the expenses which the market administrator will necessarily incur during any 12-month period of time for the maintenance and functioning of such agency for the administration of this order will be approximately \$18,000, and that the payment by each handler of 3 cents per hundred-weight or all milk received from producers and new producers is a proper maximum prorata share of such expenses.

§ 954.0 Findings. The Secretary finds, upon the evidence introduced at said hearings:

(a) That all milk which is produced for sale in the marketing area is handled in the current of interstate commerce, or so as directly to burden, obstruct, or affect interstate commerce in milk and its products;

(b) That the prices calculated to give milk handled in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8e of said act are not reasonable in view of the price of feeds, the available supplies of feed, and other economic conditions which affect the supply of, and demand for, such milk, and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) That this part regulates the handling of milk in the same manner as, and is applicable only to handlers defined in, a marketing agreement upon which hearings have been held; and

(d) That orderly marketing conditions for milk flowing into the Duluth-Superior marketing area are disrupted with a resulting impairment of the purchasing power of milk handled in said marketing area, and that the issuance of this order and all its terms and conditions will tend to effectuate the declared policy of the act.

The Secretary of Agriculture, pursuant to the authority vested in him by the act, hereby orders that such handling of milk in the Duluth-Superior marketing area, as is in the current of interstate commerce, or as directly burdens, obstructs, or affects interstate commerce shall, from the effective date hereof, be in compliance with the following terms and conditions:*

* §§ 954.0 to 954.11, inclusive, issued under the authority contained in 48 Stat. 31 (1933); 7 U.S.C. § 601 et seq. (1934); 49 Stat. 750 (1935), 50 Stat. 246 (1937); 7 U.S.C. § 601 et seq. (Supp. IV, 1938).

§ 954.1 Definitions—(a) Terms. The following terms used herein shall have the following meanings:

(1) The term "Duluth-Superior marketing area," hereinafter called the "marketing area," means the cities of Duluth and Cloquet in the State of Min-

nesota, and the city of Superior in the State of Wisconsin.

(2) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(3) The term "producer" means any person, irrespective of whether such person is also a handler, who, under certification by the proper health authorities, produces milk which is received at the plant of a handler from which milk is disposed of as milk in the marketing area: *Provided*, That if such producer did not regularly distribute milk in the marketing area, or dispose of milk to a plant from which milk was distributed within the marketing area, during a period of 30 days immediately prior to the effective date hereof, but begins the regular delivery of milk to a handler, he shall be known as a "new producer" for a period beginning with the date of his first delivery and including two full calendar months following such first delivery to a handler, after which he shall be known as a "producer." This definition shall be deemed to include any such person who produces milk which a handler causes to be diverted temporarily to a plant from which no milk is disposed of in the marketing area.

(4) The term "handler" means any person who, on his own behalf or on behalf of others, disposes of milk as milk in the marketing area and who engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

(5) The term "market administrator" means the agency which is described in § 954.2 for the administration hereof.

(6) The term "delivery period" means the period from the effective date hereof to the end of the calendar month in which such effective date occurs, and thereafter such term shall mean any calendar month.

(7) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(8) The term "Secretary" means the Secretary of Agriculture of the United States.

(9) The term "emergency milk" means milk received by a handler from sources other than producers or new producers under a permit to receive such milk issued to him by the proper health authorities.*

§ 954.2 Market administrator—(a) Selection, removal, and bond. The agency for the administration hereof shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator, within 45 days following the date upon which he enters upon his duties, shall execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an

amount and with surety thereon satisfactory to the Secretary.

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

(c) *Powers.* The market administrator shall have the power to:

(1) Administer the terms and provisions hereof, and

(2) Report to the Secretary complaints of violations hereof.

(d) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to § 954.3 or made payments required by § 954.8;

(6) Prepare and disseminate, for the benefit of producers, new producers, consumers, and handlers, such statistics and information concerning the operation hereof as do not reveal confidential information;

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof; and

(8) Pay, out of the funds received pursuant to § 954.9, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will be incurred necessarily by him for the maintenance and functioning of his office and in the performance of his duties.

(e) *Announcement of prices.* The market administrator shall compute and publicly announce prices, as follows:

(1) Not later than the 5th day after the end of each delivery period, the prices for Class I and Class II milk computed pursuant to § 954.5 (a), and the butterfat differential computed pursuant to § 954.8 (f).

(2) Not later than the 12th day after the end of each delivery period, the uniform price computed pursuant to § 954.7 (b).*

§ 954.3 Reports of handlers—(a) Submission of reports. (1) Each handler, including each handler who is also a producer, who receives milk from producers, new producers, or associations of producers, with respect to milk received during each delivery period, shall report to the market administrator, in the detail

and on forms prescribed by the market administrator, as follows:

(i) On or before the 7th day after the end of such delivery period (a) the receipts at each plant of milk from producers, new producers, associations of producers, other handlers, and from own farm production, if any, (b) the utilization of all receipts of milk for the delivery period, and (c) the name and address of each new producer.

(ii) Within 10 days after the market administrator's request, with respect to any producer or new producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (a) the name and address, (b) the total pounds of milk received, (c) the average butterfat test of such milk, and (d) the number of days upon which milk was received.

(iii) On or before the 25th day after the end of such delivery period, his producer pay roll, which shall show for each producer and new producer (a) the total quantity of milk received with the average butterfat test thereof, (b) the net amount of the payment to such producer or new producer made pursuant to § 954.8 (a), and (c) any deductions or charges made by the handler. Any deductions or charges made by the handler from payments due producers and new producers shall be accompanied by authorizations therefor.

(iv) On or before the 7th day after the end of such delivery period, the sale or disposition of Class I milk outside the marketing area, as described in § 954.5 (b), as follows: (a) the amount and the utilization of such milk, (b) the butterfat test thereof, (c) the date of such sale or disposition, (d) the point of use, (e) the plan from which such milk was shipped, and (f) such other information with respect thereto as the market administrator may request.

(v) On or before the day such handler receives emergency milk, his intention to receive such milk.

(vi) On or before the 7th day after the end of such delivery period, the receipts of emergency milk, as follows: (a) the amount of such milk, (b) the date or dates upon which such milk was received, (c) the plant from which such milk was shipped, (d) the price per hundredweight paid, or to be paid, for such milk, and (e) such other information with respect thereto as the market administrator may request.

(2) Each handler who is not required to submit reports pursuant to subparagraph (1) of this paragraph shall submit such reports with respect to his handling of milk or milk products at the time and in such manner as the market administrator may request, and shall permit the market administrator to verify such reports.

(b) *Verification of reports.* Each handler shall make available to the market

administrator or his agent during the usual business hours (1) those records, including records relating to milk and milk products received from sources other than producers, new producers, associations of producers, or other handlers, which are necessary for the verification of the information contained in the reports submitted in accordance with this section, and (2) those facilities necessary for the check-weighing, check-testing, and sampling of milk, and for determining the utilization of milk by the handler.*

§ 954.4 *Classification of milk*—(a) *Basis of classification.* All milk received during each delivery period by a handler, including milk produced by him, if any, shall be classified, subject to paragraph (c) of this section, by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk, including cream and skimmed milk, the utilization of which is not established as Class II milk.

(2) Class II milk shall be all milk, including cream and skimmed milk, the utilization of which is established as (i) being disposed of as other than fluid milk, flavored milk, and flavored milk drinks, and (ii) actual plant shrinkage up to but not exceeding 2 percent of the total receipts of milk: *Provided*, That plant shrinkage established with respect to milk received by a handler from producers and new producers shall be the proportion of total plant shrinkage determined by applying to total plant shrinkage the percentage which milk received from producers and new producers bears to the total quantity of milk received.

(c) *Interhandler and nonhandler sales.* Milk or skimmed milk disposed of by a handler to another handler, and milk or skimmed milk disposed of by a handler to a person who is not a handler but who distributes milk or manufactures milk products shall be classified as Class I milk, subject to verification by the market administrator: *Provided*, That milk or skimmed milk disposed of by a handler to a handler who receives no milk from producers or new producers other than milk of his own production shall be Class I milk.*

§ 954.5 *Minimum prices.* (a) Except as set forth in paragraph (b) of this section, each handler shall pay, at the time, and in the manner set forth in § 954.8, not less than the prices calculated as follows for milk of 4.0 percent butterfat content received at such handler's plant:

(1) *Class I milk.* The price per hundredweight for Class II milk, computed by the market administrator pursuant to subparagraph (2) of this paragraph, plus 55 cents per hundredweight for the delivery periods of April through August,

inclusive, and plus 65 cents per hundredweight for the delivery periods of September through March, inclusive: *Provided*, That with respect to Class I milk disposed of by such handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be such Class I price less 40 cents.

(2) *Class II milk.* The price per hundredweight which results from the following computation by the market administrator: multiply by 4 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 25 percent thereof.

(b) *Class I milk disposed of outside the marketing area.* The price to be paid by a handler for Class I milk disposed of during the delivery period in the area beyond the limits of the marketing area but within the townships of Superior, Summit, Parkland, Oakland, Bennett, Hawthorne, Annison, Lakeside, Maple, Cloverland, Brule, and Solon Springs in Douglas County, Wisconsin; the villages of Poplar, Lake Nebagamon, Oliver, and Solon Springs in Douglas County, Wisconsin; the townships of Alden, Arrowhead, Alborn, Duluth, Normanna, Lakewood, Rice Lake, Onesen, Midway, Herman, Canosia, Fredenberg, Solvay, Grand Lake, Brevator, Industrial, New Independence, Stoney Brook, and Culver in St. Louis County, Minnesota; and in the townships of Thomson, Twin Lakes, Silver Brook, Knife Falls, Wrenshall, Blackhoof, Holyoke, Mah-towa, and Atkinson in Carlton County, Minnesota, shall be the price computed pursuant to paragraph (a) (1) of this section.

In lieu of the price computed pursuant to paragraph (a) (1) of this section, the price to be paid by a handler for Class I milk disposed of during the delivery period in the area lying beyond the limits of the marketing area and not within the area described above shall be that which results from the following computation by the market administrator: multiply by 4 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and 25 percent thereof, and add 20 cents: *Provided*, That, if a handler is in competition with a person not a handler who sells pasteurized milk in this area and the latter shall present proof satisfactory to the market administrator that such price, after adding thereto the transportation charge of common carriers from the handler's plant to said point of sale, is less than said person is paying currently to farmers for milk for equivalent use, the market administrator shall then apply a price to such milk of the handler equal

to the price such person is paying farmers in such area.*

§ 954.6 *Application of provisions—(a) Handlers who are also producers.* In computing for each delivery period the value of milk for each handler under § 954.7 (a), the market administrator shall make the following computations with respect to the milk of handlers who are also producers:

(1) No provision hereof, except § 954.3, shall apply to a handler who receives no milk from producers or new producers other than milk of his own production.

(2) In the case of each handler who receives milk from other producers or new producers in addition to that of his own production, the quantity of milk of his own production shall be deducted prorata from such handler's total Class I and Class II milk (after excluding receipts of milk from other handlers).

(3) In computing the value of milk received by a handler, the market administrator shall consider as Class II milk any milk, skimmed milk, or cream whatsoever received from a handler who, during the delivery period, received no milk from producers or new producers other than that of his own production. If the receiving handler has disposed of such milk, skimmed milk, or cream as Class I milk, the market administrator shall add to the total value of milk, computed for such receiving handler pursuant to § 954.7 (a), the difference between (i) the value of such milk, skimmed milk, or cream at the Class II price, and (ii) its value at the Class I price.*

§ 954.7 *Determination of uniform price to producers—(a) Computation of value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 954.6, for each handler the value of milk received from producers and new producers: *Provided*, That, if such handler has received milk, skimmed milk, or cream, excepting emergency milk, from sources other than producers, new producers, or handlers whose reports are included in this price calculation, and has used such milk, skimmed milk, or cream as Class I milk, there shall be added to the value of milk determined for such handler pursuant to this paragraph an amount computed by multiplying the hundredweight of such milk, skimmed milk, or cream by the difference between the Class I price and the Class II price: *And provided further*, That emergency milk received by a handler shall be deducted on a prorata basis from each class.

(b) *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight of milk in the following manner:

(1) Combine in one total the respective values of milk, computed pursuant to paragraph (a) of this section, for each

handler who has made the reports prescribed by § 954.3 (a) and who has made the payments prescribed by § 954.8 (c);

(2) Subtract from such sum an amount representing the value of all milk received by handlers from new producers, computed at the Class II price;

(3) Add an amount representing the cash balance in the producer-settlement fund;

(4) Divide the resulting amount by the total hundredweight of milk of producers, not including new producers, received by handlers whose reports are included in this computation; and

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight to provide a reserve against errors in reports and payments, and delinquency in payments, by handlers. The result shall be known as the uniform price for milk containing 4.0 percent of butterfat.*

§ 954.8 *Payment for milk—(a) Time and method of payment.* On or before the 20th day after the end of each delivery period, each handler shall make payments as follows, such payments to be subject to the adjustment provided for in paragraph (f) of this section:

(1) To each producer from whom milk was received during the delivery period at not less than the uniform price per hundredweight, computed pursuant to § 954.7 (b), for all milk received from such producer; and

(2) To each new producer from whom milk was received during the delivery period at not less than the Class II price per hundredweight for all milk received from such new producer.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (c) and (e) and out of which he shall make all payments to handlers pursuant to paragraphs (d) and (e) of this section.

(c) *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the total value of the milk received by him from producers and new producers during the delivery period is greater than the sum of the minimum payments required to be made pursuant to paragraph (a) of this section for milk of 4.0 percent butterfat content.

(d) *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers and new producers the amount, if any, by which the total value of milk received from producers and new producers by such handler is less than the sum of the minimum payments required to be made pursuant to paragraph (a) of this section

for milk of 4.0 percent butterfat content. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments required by this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler, who has not received on the 20th day after the end of each delivery period the balance of the payment due him from the market administrator, shall be deemed to be in violation of paragraph (a) of this section if he reduces his payments to producers and new producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(e) *Adjustments in errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund, pursuant to paragraph (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler, within 5 days after billing, shall make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to paragraph (d) of this section, the market administrator shall make such payment to such handler within 5 days. Whenever verification by the market administrator of the payment by a handler for milk received from any producer or new producer discloses payment of less than is required by this section, the handler shall make up such payment to the producer or new producer not later than the time of making payment to producers and new producers next following such disclosure.

(f) *Butterfat differential adjustment.* If any handler has received from any producer or new producer milk having an average butterfat content other than 4.0 percent, such handler shall add to the price to be paid such producer or new producer, pursuant to paragraph (a) of this section, for each one-tenth of 1 percent of average butterfat content in milk above 4.0 percent not less than, or shall deduct from such price for such producer or new producer, for each one-tenth of 1 percent of average butterfat content in milk below 4.0 percent not more than, an amount equal to $\frac{1}{40}$ of the Class II price.*

§ 954.9. *Expense of administration; payments by handlers.* As his prorata share of the expense of the administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, an amount not exceeding 3 cents per hundredweight with respect to all milk received by him during such delivery period from producers and new producers, including milk of such handler's own production, the exact amount

per hundredweight to be determined by the market administrator: *Provided*, That each cooperative association which is a handler shall pay to the market administrator such prorata share of expense of administration on only that milk of producers and new producers which is received at a plant operated by such association.*

§ 954.10 *Marketing services*—(a) *Deductions for marketing services*. Except as set forth in paragraph (b), each handler, in making payments to producers and new producers pursuant to § 954.8 (a), with respect to all milk received from each producer and new producer at a plant not operated by a cooperative association qualified under paragraph (b) of this section, of which such producer or new producer is a member, shall deduct an amount not exceeding 3 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the Secretary) from the payments made direct to such producers and new producers, and such handler shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be expended by the market administrator for market information to, and for verification of weights, sampling, and testing of milk received from such producers and new producers.

(b) *Producers' cooperative association*. In the case of milk of producers and new producers who are members of a cooperative association, determined by the Secretary (1) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and (2) to be actually performing the services described in paragraph (a) of this section, which is received at a plant not operated by such cooperative association, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made direct to such producers and new producers, pursuant to § 954.8 (a), as are authorized by such producers and new producers and, on or before the 15th day after the end of each delivery period, pay over such deductions to such cooperative association.*

§ 954.11 *Effective time, suspension, or termination of order*—(a) *Effective time*. The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order*. The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator*. If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed by the Secretary, (ii) from time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such person to such person as the Secretary shall direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination*. Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.*

Now therefore, Claude R. Wickard, Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purpose and within the limitations therein contained and not otherwise, hereby executes and issues in duplicate this order, under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 30th day of April 1941, and declares this order to be effective on and after the 5th day of May 1941.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.
[F. R. Doc. 41-3190; Filed, May 1, 1941;
11:18 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 203—AUTHORIZATION FOR INSPECTION OF LIVESTOCK

TEXAS AND SOUTHWESTERN CATTLE RAISERS ASSOCIATION, INC.

By virtue of the authority vested in the Secretary of Agriculture by the Department of Agriculture Appropriation Act, 1941, approved June 25, 1940 (54 Stat. 532, 557; 7 U.S.C. sec. 231), the Texas and Southwestern Cattle Raisers Association, Inc., is authorized to conduct a brand inspection service, as set forth in the following section, which is added to Part 203, Chapter II, Title 9, Code of Federal Regulations:

§ 203.10 *Texas and Southwestern Cattle Raisers Association, Inc.* Upon a written request made to and filed with the Secretary of Agriculture, the Texas and Southwestern Cattle Raisers Association, Inc., duly organized under the laws of the State of Texas, is hereby authorized, with respect to livestock originating in or shipped to market from the State of Texas, to charge and collect reasonable fees, approved by the Secretary of Agriculture, to be paid by the owners of the livestock inspected, for the inspection of brands appearing upon livestock sold or offered for sale at those markets at which the said Texas and Southwestern Cattle Raisers Association, Inc., may register as a market agency, such inspection to be made to determine the ownership of the livestock. Such inspection and charging and collection of fees shall be subject to the provisions of the Packers and Stockyards Act and such regulations as the Secretary may from time to time prescribe. (54 Stat. 532, 557; 7 U.S.C., Sup., 231)

Done at Washington, D. C., this 28th day of April 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-3192; Filed, May 1, 1941;
11:17 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4449]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF DR. JANE BLANCHARD

§ 3.6 (a) (25) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Qualifications*: § 3.6 (b) *Advertising falsely or misleadingly—Qualities or properties of product*: § 3.6 (x) *Advertising falsely or misleadingly—Results*: § 3.6 (y) *Adver-*

tising falsely or misleadingly—Safety: § 3.6 (cc) (1) Advertising falsely or misleadingly—Source or origin—Doctor's supervision of manufacture or preparation: § 3.71 (e) Neglecting, unfairly or deceptively, to make material disclosure—Safety: § 3.96 (a) (9) Using misleading name—Goods—Source or origin—Doctor's supervision: § 3.96 (b) (6) Using misleading name—Vendor—Qualifications. Disseminating, etc., in connection with offer, etc., of respondent's medicinal preparation designated as "Dr. Blanchard's Female Compound and Regulator", "Dr. Jane Blanchard's Compound Regulator" and "Dr. Blanchard's Regulator", or any other substantially similar preparation, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that respondent's preparation is a competent or reliable regulator of conditions peculiar to women, or possesses any therapeutic value in the treatment of delayed or suppressed menstruation; that it is a tonic or blood purifier; that it is safe or harmless; or which advertisements use the term "Dr." or "Doctor" as a part of respondent's trade name or as a part of the name of said preparation, or which advertisements otherwise represent that respondent is a medical doctor; or which advertisements fail to reveal that the use of said preparation may cause colitis and produce pelvic congestion with likelihood of inducing miscarriage in latter stages of pregnancy; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Dr. Jane Blanchard, Docket 4449, April 24, 1941]

In the Matter of Jane Blanchard Geary, an Individual, Trading as Dr. Jane Blanchard

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of April, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Jane Blanchard Geary, an individual,

trading as Dr. Jane Blanchard, or trading under any other name, her agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of her medicinal preparation designated as "Dr. Blanchard's Female Compound and Regulator", "Dr. Jane Blanchard's Compound Regulator" and "Dr. Blanchard's Regulator", or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do herewith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that respondent's preparation is a competent or reliable regulator of conditions peculiar to women, or possesses any therapeutic value in the treatment of delayed or suppressed menstruation; that said preparation is a tonic or blood purifier; that said preparation is safe or harmless; or which advertisement uses the term "Dr." or "Doctor" as a part of respondent's trade name or as a part of the name of said preparation, or which advertisement otherwise represents that respondent is a medical doctor; or which advertisement fails to reveal that the use of said preparation may cause colitis and produce pelvic congestion with likelihood of inducing miscarriage in latter stages of pregnancy;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or which fails to reveal that the use of said preparation may cause colitis and produce pelvic congestion with likelihood of inducing miscarriage in latter stages of pregnancy.

It is further ordered, That the respondent shall within ten (10) days after service upon her of this order, file with the Commission an interim report in writing stating whether she intends to comply with this order, and, if so, the manner and form in which she intends to comply; and that within sixty (60) days after the service upon her of this order, said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3206; Filed, May 1, 1941; 11:49 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VII—SELECTIVE SERVICE SYSTEM

ORDER MAKING CAMPS AVAILABLE TO PERSONS CONVICTED OF VIOLATION OF SELECTIVE TRAINING AND SERVICE ACT OF 1940 WHO ARE PAROLED

I, Lewis B. Hershey, Deputy Director of Selective Service, pursuant to authority vested in me by the Selective Training and Service Act of 1940, the Selective Service Regulations issued pursuant thereto, and particularly Volume One, Section VIII, Paragraph 176 thereof, (Executive Order No. 8641,¹ dated January 6, 1941), hereby designate all camps (heretofore or hereafter designated as work of national importance to which may be assigned registrants classified as conscientious objectors to both combatant and noncombatant military service) as special service and work of national importance to which may be assigned persons heretofore or hereafter convicted of a violation of the provisions of the Selective Training and Service Act of 1940 who may, pursuant to the recommendation of the Director of Selective Service, be paroled to such special service and work of national importance.

Persons paroled under the provisions of this order and assigned to camps shall be governed by and be subject to all of the provisions contained in "Camp Regulations" established by order of the Deputy Director of Selective Service on April 11, 1941, and such amendments or modifications thereof, as may hereafter be issued by the Director of Selective Service, and in addition thereto shall be subject to such terms and conditions as shall be imposed upon them by the Attorney General, as provided in paragraph 176 f, Selective Service Regulations.

LEWIS B. HERSHEY,
Deputy Director.

APRIL 30, 1941.

[F. R. Doc. 41-3194; Filed, May 1, 1941; 11:19 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 926—NICKEL BEARING STEEL

Amendment to General Preference Order No. M-5 to Direct the Distribution of Nickel Bearing Steel

Whereas it has been found that, in order properly to administer the provisions of § 926.1 (General Preference Order M-5, issued by the Director of Priorities on April 10, 1941), it is necessary to include within the provisions thereof converters (as hereinafter defined) of nickel bearing steel and further to define

¹ 6 F.R. 563.
² 6 F.R. 2001.

the terms "producers" and "distributors" as used in said § 926.1, now, therefore, *It is ordered that:*

Section 926.1 is hereby amended as follows:

(1) By adding thereto immediately preceding paragraph (a) a new unlettered paragraph reading as follows:

For the purposes of this section: "Producers" are hereby defined as those who melt, cast, or otherwise make nickel bearing steel; "Converters" are hereby defined as those who purchase nickel bearing steel, further process such steel by rolling or drawing, and deliver such steel in rolled or drawn form to distributors and consumers; "Distributors" are hereby defined as those who receive nickel bearing steel into a warehouse for resale, and make shipments to customers from such warehouse. Each such warehouse is deemed to be a distributor, whether it is independently owned or controlled, or is owned or controlled by a producer, a converter, or another distributor; "Nickel bearing steel" is hereby defined as any steel containing 0.40 per cent (40/100 of one per cent) or more of nickel, or any steel containing less than 0.40 per cent of nickel if nickel is specified by the customer or is known to have been added to obtain a desired physical quality in the steel.

(2) By inserting the word "converters" in paragraphs (a), (b), (c), (g), and (i), respectively, immediately following the word "producers" wherever it occurs in such paragraphs; it being the intent and purpose of this amendment to include converters (as herein defined) of nickel bearing steel within the operation of each and all of the provisions of § 926.1.

(3) By striking out all of paragraph (h), inasmuch as the identical definition of nickel bearing steel is herein set forth. Paragraph (i) is relettered (h).

(b) Except as hereby expressly amended, said § 926.1 shall in all other respects remain in full force and effect.

(c) This order shall take effect on the 30th day of April, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of September, 1941. (O.P.M. Reg. 3, Mar. 7, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; sec. 2 (a), Public No. 671, 76th Congress)

Issued this 30th day of April, 1941.

E. R. STETTINIUS, JR.,
Director of Priorities.

[F. R. Doc. 41-3177; Filed, April 30, 1941;
4:22 p. m.]

PART 926—NICKEL BEARING STEEL

Amendment to Supplemental Order No. M-5-a Relating to Preference Rating Schedule on Nickel Bearing Steel

This Order is entered pursuant to authority contained in § 926.1 (General Preference Order No. M-5, as amended)

and amends § 926.2 (Supplementary Order No. M-5-a, as issued by the Director of Priorities on April 10, 1941) so that § 926.6 now provides:

§ 926.2 *Preference ratings; provisions applicable to producers, distributors, and converters*—(a) *Producers and distributors of nickel bearing steel.* Until further order, and except for deliveries by producers or converters to distributors which are governed by the provisions of Part IV of this Supplementary Order, all producers and all distributors (as defined in General Preference Order No. M-5, as amended) of nickel bearing steel shall make deliveries of such steel according to the following schedule of Preference Ratings; *Provided, however,* That the following schedule shall not apply to transfers of nickel bearing steel, as distinguished from deliveries pursuant to sale thereof, between producers or between producers and converters which in either instance, are subject to the same ownership or control.

PREFERENCE RATING SCHEDULE

A. Preference Ratings of A-1 to A-10, inclusive, are hereby assigned to Defense Orders as defined in General Preference Order No. M-5, as amended, and to all other orders to which a Preference Rating in the A classification has been or may hereafter be assigned by the Director of Priorities.

BB. Preference Rating BB is hereby reserved for emergency assignment by the Director of Priorities to provide for special cases of immediate urgency.

B-1. Preference Rating B-1 is hereby assigned to orders (a) for the manufacture of parts for the repair or replacement of existing apparatus, equipment, and devices and (b) for the manufacture of new apparatus, equipment, and devices, in either case (under (a) or (b)) used directly or indirectly in connection with the manufacture of material which enters in substantial quantity into the fulfillment of Defense Orders, although such orders may not bear specific Preference Ratings.

B-2. Preference Rating B-2 is hereby assigned to orders for the manufacture of parts for the repair or replacement of existing apparatus, equipment, and devices which must continue to operate in order to preserve essential production and services.

B-3. Preference Rating B-3 is hereby assigned to orders for new apparatus, equipment, and devices used directly in operations which must continue in order to preserve essential production and services.

B-4. Preference Rating B-4 is hereby assigned to orders for products essential to the protection of public health or safety and not coming within any higher Preference Rating classification.

B-5. Preference Rating B-5 is hereby assigned to orders for customers of each producer or distributor, to whom shipments have been made during 1940 by such producer or distributor, requiring

less than a total of one ton of nickel bearing steel per month. This rating is temporarily assigned pending further investigation.

B-6. Preference Rating B-6 is hereby assigned to orders for customers whose use of nickel bearing steel does not exceed two pounds per \$100 of final sales value of the article or articles, produced by such customers, of which it is an essential component.

B-7. Preference Rating B-7 is hereby assigned to orders for the material used in products in which no reasonably satisfactory substitute for nickel bearing steel is available.

B-8. Preference Rating B-8 is hereby temporarily assigned, until such time as a substitution shall be effected, to orders for the material used in products in which a reasonably satisfactory substitute for nickel bearing steel is available or can be made available.

(b) *General provisions applicable to producers.* 1. Except for Preference Rating B-8, the assignment of B Preference Ratings as hereinabove provided shall not apply where the use of substitute materials can be introduced without serious interruption of current production.

2. Hereafter no producer shall enter into any contract whereby it agrees to process, fabricate, or cast any nickel bearing steel scrap by toll agreement unless specifically authorized to do so by the Director of Priorities. No producer shall make any delivery under any contract or order now outstanding for the delivery of nickel bearing steel which it processes or fabricates by toll agreement for any customer unless specifically authorized to do so by the Director of Priorities.

3. Deliveries shall not be in an amount in excess of the amount actually required for current operations of customers nor shall delivery dates specified be earlier than necessary for the fulfillment of the order which justifies the Preference Rating assigned, after making proper use of the inventory of like steel in all forms.

Except for deliveries on contracts or orders placed prior to May 15, 1941, which shall be made in accordance with the provisions of the paragraph next following, beginning May 15, 1941, deliveries of nickel bearing steel by any producer to any customer shall not be made, unless and until such customer shall have furnished such producer, and the Division of Priorities, each with a sworn statement setting forth: (a) that such customer has not placed an order for like material, for delivery in the same month, which would be a duplication for the same purposes; (b) that the deliveries requested are not in excess of the amount actually required for current operations after making proper use of the inventory of like steel in all forms; (c) that such customer has filed, as prescribed by the Division of Priorities, an inventory of all its nickel bearing steel; (d) the product or products which are to be made from

the steel ordered; (e) the proportion of the steel ordered which will be used by such customer in the fulfillment of Defense Orders, as defined in General Preference Order No. M-5, as amended; (f) the proportion of the steel ordered which will be used by such customer for purposes which justify the assignment of each of the Preference Ratings B-1 to B-8, inclusive, as described above; and (g) that a copy of such sworn statement has been filed with the Division of Priorities of the Office of Production Management.

Deliveries of nickel bearing steel to any customer by any producer, under contracts or orders placed prior to May 15, 1941, may be made during the month of May, 1941, even though such customer may not have filed the sworn statement as prescribed in the preceding paragraph of this Order: *Provided*, That, in the opinion of the producer, the use intended for the material ordered will justify a Preference Rating of B-3 or higher, or such material falls within the provisions of section 7 Part II of this Order; *And, provided further*, That customers receiving deliveries under all such contracts and orders shall file such sworn statement on or before June 1, 1941.

All producers shall, as soon as practicable, notify each of their regular customers of the requirements of this Order relating to the furnishing of sworn statements by such customers, but the failure to receive such notice shall not excuse any customer from the obligation of complying with the terms of this Order.

4. Deliveries in any month by any producer on contracts or orders having a Preference Rating of B-4 to B-8, inclusive, shall not exceed the percentage indicated below of one-twelfth of the total 1940 shipments of nickel bearing steel from the same producer to such customer for corresponding uses. This percentage may be changed, from time to time, by the Director of Priorities.

	Percent
B-4.....	70
B-5.....	50
B-6.....	40
B-7.....	30
B-8.....	10

5. Orders of each producer on which delivery is intended during each month (calendar or statistical, according to the custom of such producer) shall be scheduled in the order of the Preference Rating assigned. If the amount of nickel bearing steel available for delivery during any such month is insufficient to cover all of the above Preference Ratings, the Director of Priorities may issue supplementary instructions for the month providing for the allocation of a portion of the available nickel bearing steel from higher to lower rated groups. If, after any producer shall have filled to capacity such monthly schedule, a contract or order shall be placed with him calling for delivery within such month, and there are exceptional reasons for filling such contract or order within such month, he shall so advise the Division of Priorities,

describing in detail such contract or order and such exceptional reasons. Producers of nickel bearing steel affected by General Preference Order No. M-5, as amended, and this Order shall, from time to time, furnish to the Division of Priorities such information as may be required for the administration or modification of this or any subsequent order.

6. Customers who use nickel bearing steel for two or more different types of products bearing different Preference Ratings hereunder shall have their orders for each different type of product treated separately upon furnishing to the producer the necessary details of requirements and uses for the different types of products. Thus, "Product X" may be entitled to 10 tons under an A rating, while "Product Y" may receive the 15 tons it requires only if nickel bearing steel is available for B-8 ratings.

7. Nickel bearing steel which, on the effective date hereof, has been processed beyond the ingot and is of such special character as not to be allocable under the rules laid down in this Order may be completed and shipped without regard to the instructions herein contained.

8. The first inventory to be reported to the Division of Priorities by a customer in accordance with clause (c) of paragraph 2 of section 3 of this part, shall be such customer's inventory as of April 30, 1941, and shall be filed on or before May 15, 1941. Thereafter further reports of inventories shall be filed, from time to time, as directed by the Division of Priorities.

(c) *General provisions applicable to distributors.* 1. The assignment of Preference Ratings in the B classification as hereinabove provided shall not apply where the use of substitute materials can be introduced without serious interruption of current production.

2. Deliveries shall not be in an amount in excess of the amount actually required for current operations of customers nor shall delivery dates specified be earlier than necessary for the fulfillment of the order which justifies the Preference Rating assigned, after making proper use of the inventory of like steel in all forms.

3. On and after the effective date of this Order and until further order from the Division of Priorities, no deliveries of such steel shall be made by distributors to customers under contracts or orders with Preference Ratings as hereinabove provided lower than B-3.

If any customer believes that any curtailment of his production which may be caused by compliance with this Order would result in grave hardship, he shall refer such case to the Division of Priorities for its determination.

If an order with a Preference Rating below B-3 shall be placed with any distributor and there are exceptional reasons for filling such order, he shall so advise the Division of Priorities, describing in detail such order and such exceptional reasons.

4. Such distributors of nickel bearing steel shall, from time to time, furnish to the Division of Priorities such information as may be required for the administration or modification of this or any subsequent order.

5. Within fifteen (15) days after April 30, 1941, each distributor shall file with the Division of Priorities a sworn statement showing: (a) the total of its inventory, in terms of pounds of nickel bearing steel and in terms of pounds of nickel content thereof, as of April 30, 1941; and, (b) only in terms of pounds of nickel bearing steel, the quantity received during each of the months of January, February, and March, 1941, from each source of supply, naming the supplier.

6. On the fifteenth (15th) day of May, 1941, and on the fifteenth (15th) day of each month thereafter, each distributor shall file with the Division of Priorities a sworn statement showing totals, in terms of pounds of nickel bearing steel and in terms of pounds of nickel content thereof: (a) of the quantity received during the preceding calendar month, from each source of supply, naming the supplier; and (b) of the shipments to customers during the preceding calendar month, summarized by each preference rating group to which such shipments were made, i. e., A in one total, B-1, B-2, B-3, etc.; and showing the number of sales invoices for such shipments in each such preference rating group.

7. Customers who use nickel bearing steel for two or more different types of products, bearing different Preference Ratings hereunder, shall have their orders for each different type of product treated separately upon furnishing to the distributor the necessary details of requirements and uses for the different types of products. Thus, "Product X" may be entitled to 1,000 pounds under an A rating, while "Product Y" may not receive the 1,500 pounds it requires because it falls within the classification of a B-4 rating or lower.

8. In reporting the quantity of nickel bearing steel received from a producer or converter, a distributor shall include only the quantity of such steel actually received at its warehouse for resale. All deliveries made direct by a producer or a converter to a customer of a distributor shall be omitted from the distributor's report. The customer of a distributor, in order to receive such direct delivery, shall: (a) if such direct delivery is made by a producer, comply with all the requirements governing a customer of a producer as set forth in Parts I and II of this Order; or (b) if such direct delivery is made by a converter, comply with all the requirements governing a customer of a converter as set forth in Part V of this Order.

(d) *Deliveries from producers or converters to distributors.* Inasmuch as the provisions of Parts I, II, and III of this Order are not applicable to deliveries of

nickel bearing steel by producers or converters to distributors (such transactions being governed only by the provisions of this Part IV):

1. Beginning with the month of May, 1941, and, until further order by the Director of Priorities, during each succeeding month each producer or converter subject to this Order is authorized to deliver, to a distributor, nickel bearing steel up to a total nickel content equal to one-quarter of the nickel content delivered by said producer or converter to said distributor in the four months ending April 30, 1941. In determining the nickel content delivered to a distributor there shall be included only the quantity actually received at the distributor's warehouse for resale, and there shall not be included any delivery made direct by a producer or a converter to a customer of the distributor.

2. From April 10, 1941, the effective date of Supplementary Order No. M-5-a, to, and including, April 30, 1941, such producers or converters may make deliveries on orders placed by such distributors prior to the effective date of this Order, up to the total of nickel bearing steel available for shipment by such producers or converters in the month of April after filling all orders scheduled for delivery in April which bear a Preference Rating in the A classification. However, such producers or converters, during said period, are not required to give preference to orders from such distributors over other orders scheduled for delivery in April which would, under the terms of this Order, be assigned Preference Ratings of B-1, B-2, or B-3, on and after May 1, 1941.

3. Beginning May 1, 1941, subject to the limitations of Section 1 of this Part, orders from distributors shall be scheduled by producers or converters for shipment in each month, to the extent that nickel bearing steel of the specification ordered by such distributors will be available for shipment, after providing for all orders for like steel from customers other than distributors which bear a Preference Rating in the A classification.

4. If, after April 30, 1941, there are exceptional reasons why any such distributors require deliveries from a producer or converter or producers or converters in excess in nickel content of one-quarter of the deliveries from each such producer or converter to said distributor in the four months ending April 30, 1941, said distributor shall so advise the Division of Priorities, describing in detail such exceptional reasons.

(e) *General provisions applicable to converters.* 1. Converters which are customers of producers are subject to all the provisions of this Order governing deliveries to customers by producers. In order to comply with such provisions it will be necessary for such converters to obtain from their customers the information necessary to justify the Preference Ratings claimed for contracts or orders placed by such converters with producers

so that such converters can execute the sworn statement required in Part II, Section 3 of this Order.

2. Converters who obtain nickel bearing steel from other converters, or from distributors, shall give such information as to the use to be made of such steel ordered as such other converters or distributors may require them to give to justify the Preference Ratings claimed.

3. Where converters deliver to distributors, such converters shall be governed by the provisions of Part IV of this Order with respect to such deliveries.

(f) *Appeal to division of priorities.* Any person who dissents from the Preference Rating that is assigned to any contract or order may appeal to the Division of Priorities by addressing a letter to Ernest M. Hopkins, Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C. Such letter shall contain: (a) the name of the producer, converter, or distributor with whom it is placed; (b) a general description of the contract or order; (c) the amount of nickel bearing steel ordered; (d) the use for which it is intended; (e) the name and address of the customer placing the order; (f) the Preference Rating that has been assigned to his contract or order; (g) the number of employees of the customer placing the order whose employment depends upon obtaining this material; and (h) further reasons why the person complaining thinks that the rating is erroneous. The Division of Priorities will give especial consideration to any evidence indicating the possibility of maintaining employment of the greatest possible numbers of workers without conflict with any vital use.

(g) *Effective date.* This Order shall take effect on the 30th day of April, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of September, 1941. (O.P.M. Reg. 3, Mar. 7, 1941, 6 F.R. 1596; E. O. 8629, Jan. 7, 1941, 6 F.R. 191; Sec. 2 (a), Public No. 671, 76th Congress)

Issued this 30th day of April, 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-8178; Filed, April 30, 1941;
4:22 p. m.]

[General Metals Order No. 1]

PART 928—TO RESTRICT INVENTORY ACCUMULATION OF CERTAIN SPECIFIED MATERIALS

To all producers, smelters (primary and secondary), re-melters, brokers, distributors (warehouse or wholesale), processors and fabricators of the following materials (herein called "Suppliers"):

Antimony.
Cadmium.
Chromium.
Cobalt.
Copper.
Ferrous Alloys, all types.

Iridium.

Iron and Steel products, including rolled, drawn, forgings, castings and pig iron.

Lead.

Manganese or Spiegeleisen.

Mercury.

Molybdenum.

Non-ferrous alloys, all types.

Tin.

Vanadium.

Secondary materials, or scrap, containing any of the metals listed herein or any metals already subject to an order of the Director of Priorities, prepared for sale in order to recover the metal content thereof.

AND

To all customers of such Suppliers receiving deliveries of any of the above-specified materials, or of any material which is known to contain substantial quantities of any of such specified materials and which is in semi-processed or pre-manufacturing form (herein called "Customers").

Whereas, it is found (1) that the available supply of the foregoing materials is being diminished at a rate in excess of that necessary for production, as a result of over-buying for unnecessary inventories, and increased manufacturing for unnecessary stocks, (2) that the total future requirements, direct and indirect, of such materials for the fulfillment of Army and Navy contracts or orders and for other essential purposes of national defense, and for civilian purposes, is likely to exceed the requirements definitely ascertainable at the present time, (3) that the available supplies are in danger of such diminution from the aforesaid causes that these may soon be insufficient to fulfill promptly the requirements for such purposes, and therefore (4) in order to insure adequate supplies for defense purposes it is necessary to conserve the existing supplies of said materials from further unnecessary diminution, until determination of the total requirements therefor, and until the means of insuring adequate supplies can be more definitely provided; and

Whereas, it is necessary, as a preliminary step toward such conservation for the present to restrict inventory accumulation, and hereafter to obtain complete information regarding inventories, and, on the basis of such information, to eliminate excessive inventories by restricting deliveries to the extent necessary to reduce such excessive inventories.

Now therefore, it is hereby ordered:

§ 928.1 *General metals order.* (a) (1) No Supplier shall make to any Customer any delivery which such Supplier knows, or has reason to believe, will effect an increase for any calendar month in inventories, in the hands of such Customer, of any such material in the form delivered, or in other forms than that delivered, in excess of the quantity necessary, on the basis of such Customer's

usual method and rate of operation, efficiently to meet required deliveries of such Customer's products.

(2) Further, after the 10th day of each calendar month, commencing June 10, 1941, no Supplier shall make any delivery to any Customer unless such Supplier shall have received from such Customer a sworn statement covering inventories during the preceding calendar month, in the form attached to this Order and marked PD-19A.¹

(3) Each Supplier shall mail to the Director of Priorities, Office of Production Management, Washington, D. C., on or before June 1, 1941, a statement of compliance with the requirements of this Order, in the form attached to this Order and marked Form PD-19B.²

(b) (1) No Customer shall accept any delivery from any Supplier which will effect an increase for any month in the inventories, in the hands of such Customer, of any such material in the form delivered, or other forms than that delivered, in excess of that necessary, on the basis of such Customer's usual method and rate of operation, efficiently to meet required deliveries of such Customer's products.

(2) Further, on or before the 10th day of each month, commencing June 10, 1941, each Customer who shall have accepted deliveries from any Supplier during the preceding calendar month, and each other Customer before receiving any deliveries from any Supplier during such current month, shall file with such Supplier a sworn statement, in the form attached to this Order and marked PD-19A,¹ covering such preceding calendar month, and shall file with the Director of Priorities, Office of Production Management, Washington, D. C., a copy of such sworn statement.

(c) *Provided, however,* That the requirements of this Order shall not apply to deliveries by any Supplier of

(1) ores or concentrates of any of the above-specified materials to any Customer who is a primary processor or smelter of such ores or concentrates; or

(2) any of the above-specified materials in any form to any person importing the same, whether directly or through an agent; or

(3) any of the above-specified secondary materials or scrap to any smelter or re-melter who produces such secondary materials therefrom for sale as such.

(d) This Order shall take effect on the 1st day of May 1941, and unless it be extended or sooner revoked shall expire on the 15th day of July 1941. (O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; sec. 2 (a) Public No. 671, 76th Congress)

Issued this 1st day of May 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-3187; Filed, May 1, 1941; 10:45 a. m.]

¹ Filed as part of the original document.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

[Price Schedule No. 5]

ORDER OF REVOCATION

BITUMINOUS COAL

Because of the cessation of production of bituminous coal resulting from the failure of mine operators and employees to negotiate a wage agreement, the Office of Price Administration and Civilian Supply of the Office for Emergency Management on April 2, 1941, issued Price Schedule No. 5,¹ fixing a ceiling price upon bituminous coal. The Schedule provided for its revocation as soon as practicable in the event of a substantial resumption of bituminous coal production. To avoid hardship, Supplement No. 1,² authorizing collateral agreements where production was resumed subject to a retroactive wage agreement, was issued April 16. We are now informed that as a result of an agreement reached yesterday between operators and employees, substantially all bituminous mines will be reopened this morning, subject either to a new wage agreement, or to wage negotiations, the result of which is to be made retroactive to the date of resumption.

Accordingly, pursuant to and under the authority vested in me by Executive Order 8734, it is directed that:

Price Schedule No. 5, and Supplement No. 1 thereto, are hereby revoked.

Issued this 1st day of May 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-3202; Filed, May 1, 1941; 11:45 a. m.]

TITLE 45—PUBLIC WELFARE

CHAPTER III—WORK PROJECTS ADMINISTRATION

[General Order No. 3, Revised]

PART 301—AUTHORITY, FUNCTIONS, AND ADMINISTRATION

§ 301.3 *Administration of oaths.* By virtue of and pursuant to the authority vested in me by the provisions of subsection (c) of section 17 of the Emergency Relief Appropriation Act, fiscal year 1941, approved June 26, 1940 (Public Resolution No. 88—76th Congress), I hereby designate the following employees to administer oaths as specified, which oaths shall be administered without charge or fee.

Type of oath	Designation	Authorized personnel
All documents required in the administration of the Work Projects Administration.	1 2 3	State Administrator. State Director of Finance. Assistant State Director of Finance.

¹ 6 F.R. 1770.

² 6 F.R. 1987.

Type of oath	Designation	Authorized personnel
All documents in connection with compensation claims, property damage and personal injury claims, and claims for amounts due deceased or incompetent employees, including claim forms and travel vouchers for injured employees.	4 5 6 7 8 9 10 11	State Compensation Officer. Claim Examiners. Field Investigators of the Compensation Office. District Finance Officers. Area Finance Officers and Area Project Examiners. All timekeepers. Director, Division of Investigation. Assistant Director, Division of Investigation.
Sworn testimony of witnesses.	12	Field Agents in Charge, Division of Investigation.
Women claiming preference as widows of veterans.	13	Special Field Agents, Division of Investigation.
Affidavit, WPA Form 608, and Oath of Allegiance, WPA Form 607.	14 15 16 17 18	All administrative personnel in the Division of Employment. All administrative personnel in the Division of Employment. Administrative employees in charge of administrative personnel. Administrative employees of the Division of Finance. All timekeepers.

The following shall be placed beneath the signature of the person subscribing to the oath administered by an employee designated above:

Subscribed and sworn to before me, an employee of the Work Projects Administration, designated to administer oaths by Designation _____ of General Order No. 3, Revised, of the Work Projects Administration.
Signed _____

I hereby designate the following employees of the Work Projects Administration to administer oaths required on travel vouchers: Division of Investigation, secretary to the Field Agent in charge of each field office of the Division; State Administrative Section, State Administrative Officer; Division of Finance, Chief of Voucher Section, Chief of Travel Voucher Unit, District Finance Officer, Area Finance Officer, Area Project Examiner; Division of Operations, secretary to State Director of Operations, secretary to District Director of Operations, Area Engineers, Field Supply Supervisor; Division of Community Service Programs, secretary to State Director of Community Service Programs, secretary to District Director of Community Service Programs, district section chiefs; Division of Employment, secretary to State Director of Employment, secretary to District Employment Officer.

No person authorized to administer oaths shall act as administering officer to an affidavit required to be completed by himself. Authorizations to administer oaths which heretofore have been issued by the Administrator of the Federal Works Agency shall remain in full force and effect.

All oaths shall be subscribed to in the presence of the employee administering the oath.

Approved April 11, 1941. Effective Date May 1, 1941.

[SEAL] HOWARD O. HUNTER,
Acting Commissioner
of Work Projects.

[F. R. Doc. 41-3186; Filed, May 1, 1941;
10:36 a. m.]

[General Order No. 2, Revised]

PART 303—WAGES, HOURS, AND CONDITIONS
OF EMPLOYMENT

§ 303.13 *Appointive compensation schedule.* By virtue of and pursuant to the authority vested in me, I hereby establish the following appointive compensation schedule (ACS) for such appointive positions in the State Work Projects Administration set forth below as shall be classified in accordance with the rules and regulations of the Work Projects Administration.

Schedule A

ACS grades	Salary steps						
	1	2	3	4	5	6	7
1.....	\$600	\$660	\$720	\$780	\$840	-----	-----
2.....	720	780	840	900	960	-----	-----
3.....	900	960	1,020	1,080	1,140	-----	-----
4.....	1,020	1,080	1,140	1,200	1,260	-----	-----
5.....	1,260	1,320	1,380	1,440	1,500	\$1,560	-----
6.....	1,500	1,560	1,620	1,680	1,740	1,800	\$1,860
7.....	1,800	1,900	2,000	2,100	2,200	2,300	2,400
8.....	2,200	2,300	2,400	2,500	2,600	2,700	2,800
9.....	2,500	2,600	2,700	2,800	2,900	3,000	3,100
10.....	2,800	2,900	3,000	3,100	3,200	3,300	3,400
11.....	3,100	3,200	3,300	3,400	3,500	3,600	3,700
12.....	3,500	3,600	3,700	3,800	3,900	4,000	4,100
13.....	4,000	4,200	4,400	4,600	4,800	-----	-----
14.....	4,800	5,000	5,200	5,400	5,600	-----	-----
15.....	5,600	5,800	6,000	6,200	6,400	-----	-----

Schedule A shall apply to the following State Administrations: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Hampshire, North Carolina, Oklahoma, South Carolina, Tennessee, Vermont, Virginia, and the Territory of Puerto Rico.

Schedule B

ACS grades	Salary steps						
	1	2	3	4	5	6	7
1.....	\$780	\$840	\$900	\$960	-----	-----	-----
2.....	900	960	1,020	1,080	-----	-----	-----
3.....	1,020	1,080	1,140	1,200	\$1,260	-----	-----
4.....	1,140	1,200	1,260	1,320	1,380	\$1,440	-----
5.....	1,380	1,440	1,500	1,560	1,620	1,680	\$1,740
6.....	1,620	1,680	1,740	1,800	1,860	1,920	1,980
7.....	1,900	2,000	2,100	2,200	2,300	2,400	2,500
8.....	2,200	2,300	2,400	2,500	2,600	2,700	2,800
9.....	2,500	2,600	2,700	2,800	2,900	3,000	3,100
10.....	2,800	2,900	3,000	3,100	3,200	3,300	3,400
11.....	3,100	3,200	3,300	3,400	3,500	3,600	3,700
12.....	3,500	3,600	3,700	3,800	3,900	4,000	4,100
13.....	4,000	4,200	4,400	4,600	4,800	-----	-----
14.....	4,800	5,000	5,200	5,400	5,600	-----	-----
15.....	5,600	5,800	6,000	6,200	6,400	-----	-----

Schedule B shall apply to the following State Administrations: Arizona, Northern California, Southern California, Colorado, Connecticut, Delaware, Idaho,

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Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York State, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin, Wyoming, and the Territory of Hawaii.

General Order No. 2, Revised, approved October 14, 1940,¹ is superseded and rescinded, effective May 1, 1941. Amendments to General Order No. 2 which have been issued prior to the effective date of General Order No. 2, Revised, shall remain in full force and effect, except those amendments which have been incorporated in this General Order.

Approved April 21, 1941. Effective Date May 1, 1941.

[SEAL] HOWARD O. HUNTER,
Acting Commissioner
of Work Projects.

[F. R. Doc. 41-3185; Filed, May 1, 1941;
10:36 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

The Commission on April 29, 1941, effective immediately, amended the rules governing STL broadcast stations in the following respects:

Amended § 4.31 by changing the period at the end thereof to a comma and adding the words "or an international broadcast station."

Amended § 4.32 to read:

§ 4.32 *Licensing requirements.* An STL broadcast station will be licensed only to the licensee of a high frequency broadcast station or of an international broadcast station. Only one STL broadcast station will be authorized in connection with the license for any high frequency broadcast station. Not more than two STL broadcast stations will be authorized in connection with the license for any international broadcast station. Each such STL station shall be at a fixed location. (Sec. 4 (1), 48 Stat. 1068; 47 U.S.C. 154 (1))

Amended § 4.33 by inserting after the words "high frequency broadcast station" therein, the words "or international broadcast station."

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-3184; Filed, May 1, 1941;
10:01 a. m.]

¹ 5 F.R. 5241.

Notices

WAR DEPARTMENT.

[Contract No. W 669 qm-11345; O. I. No. 6493]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GARDINER-WARRING COMPANY

Contract for: Underwear.

Amount: \$1,020,750.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania.

This contract, entered into this seventeenth day of March 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Underwear for the consideration stated totaling one million, twenty thousand, seven hundred fifty dollars (\$1,020,750.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

Bond: Furnished. Amount: \$204,150.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-0240 A 0515-01 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P-C-237.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-3176; Filed, April 30, 1941;
4:14 p. m.]

[Contract No. W 669 qm-11368; O. I. No. 6535]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CRAMERTON MILLS,
INCORPORATED

Contract for: Cloth, Cotton, Uniform, Twill.

Amount: \$1,617,000.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this nineteenth day of March 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton, Uniform, Twill, Khaki for the consideration stated totaling one million, six hundred seventeen thousand dollars (\$1,617,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

Terms of payment: Discount will be allowed for prompt payment as follows: 30 calendar days one %.

Bond: Furnished. Amount: \$323,400.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-0240 A 0515-01 the available balance of which is sufficient to cover cost of same.

This contract is authorized under Procurement Directive No. P-C-243.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-3175; Filed, April 30, 1941;
4:14 p. m.]

[Contract No. W 669 qm-11370; O. I. No. 6537]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: J. P. STEVENS & COMPANY,
INCORPORATED

Contract for: Cloth, Cotton, Uniform, Twill.

Amount: \$9,672,442.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania.

This contract, entered into this nineteenth day of March 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton, Uniform, Twill, Khaki for the consideration stated totaling nine million, six hundred seventy-two thousand, four hundred forty-two dollars (\$9,672,442.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal

to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

Bond: Furnished.

Amount: \$1,934,488.40.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-0240 A 0515-01 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P-C-243.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-3179; Filed, May 1, 1941;
9:59 a. m.]

NAVY DEPARTMENT.

[NOs-82571]

SUMMARY OF CONTRACT FOR EQUIPMENT

CONTRACTOR: FORD INSTRUMENT COMPANY,
INC., LONG ISLAND CITY, NEW YORK

APRIL 28, 1941.

Under date of March 3, 1941, the Navy Department entered into a contract with the Ford Instrument Company, Inc., of Long Island City, New York, for the manufacture of items of Ordnance equipment at a total cost of \$1,587,350. The contract is a fixed-price contract and contains the usual clauses as to delays, damages, loss or damage and insurance, use of domestic articles, and National Defense Contract Clause.

W. H. P. BLANDY,
Rear Admiral, U. S. N.,
Chief of the Bureau of Ordnance.

[F. R. Doc. 41-3182; Filed, May 1, 1941;
9:59 a. m.]

[NOs-78053]

SUMMARY OF CONTRACT FOR EQUIPMENT

CONTRACTOR: GENERAL ELECTRIC COMPANY,
SCHENECTADY, NEW YORK

APRIL 28, 1941.

Under date of March 4, 1941, the Navy Department entered into a contract with the General Electric Company of Schenectady, New York, for the manufacture of items of Ordnance equipment. The contract is a cost-plus-fixed-fee contract, the estimated total cost of the equipment to be furnished being \$21,216,471, and the contractor's fee being fixed at \$1,467,652.97. The contract contains the usual clauses as to default by the contractor, suspension of work and cancellation of contract, use of domestic articles, and National Defense Contract Clause.

W. H. P. BLANDY,
Rear Admiral, U. S. N.,
Chief of the Bureau of Ordnance.

[F. R. Doc. 41-3181; Filed, May 1, 1941;
9:59 a. m.]

[NOS-81105]

SUMMARY OF CONTRACT FOR EQUIPMENT

CONTRACTOR: CARRIER CORPORATION,
SYRACUSE, NEW YORK

APRIL 28, 1941.

Under date of April 3, 1941, the Navy Department entered into a contract with the Carrier Corporation, of Syracuse, New York, for the manufacture of items of Ordnance equipment at a total cost of \$1,088,985.51. The contract is a fixed-price contract, contains a price-adjustment clause covering increases in cost of labor and materials, and contains the usual clauses as to delays, use of domestic articles, and National Defense Contract Clause.

W. H. P. BLANDY,
Rear Admiral, U. S. N.,
Chief of the Bureau of Ordnance.

[F. R. Doc. 41-3180; Filed, May 1, 1941;
9:59 a. m.]

[NOD-1648]

SUMMARY OF CONTRACT FOR PLANT
FACILITIESCONTRACTOR: EX-CELL-O CORPORATION,
DETROIT, MICHIGAN

APRIL 27, 1941.

Under date of April 18, 1941, the Navy Department entered into a contract with Ex-Cell-O Corporation covering the purchase of land and the existing buildings thereon near the present plant of such corporation in Detroit, Michigan, the construction of new buildings on such land, the construction of a building addition at said present plant, and the acquisition and installation of machinery and equipment for use in said present plant and in the new buildings purchased and constructed—all at a total estimated cost of \$3,506,657.

This contract is in complete substitution for a prior contract, NOD-1648, which the Navy Department entered into with Ex-Cell-O Corporation under date of January 2, 1941, and includes both the estimated expansion of \$1,689,678 already provided for by said prior contract and a further expansion in the estimated amount of \$1,816,979.

These plant facilities will be used by Ex-Cell-O Corporation in the manufacture of small machined parts and assemblies for aircraft engines and propellers.

The contract is in general accordance with the form of Emergency Plant Facilities Contract approved by the Advisory Commission to the Council of National Defense and published in the FEDERAL REGISTER on October 19, 1940, as adopted by the Navy Department.

J. H. TOWERS,
Rear Admiral, U. S. N.,
Chief of the Bureau of Aeronautics.

[F. R. Doc. 41-3183; Filed, May 1, 1941;
9:59 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1656-FD]

IN THE MATTER OF THE ISLAND CREEK COAL
SALES COMPANY, REGISTERED DISTRIBUTOR,
REGISTRATION No. 4717, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") to determine whether or not the Island Creek Coal Sales Company whose address is Huntington, West Virginia, has violated any of the provisions of the Bituminous Coal Code or regulations thereunder including, but not in limitation thereof, the following:

Section 4 II (h) of the Bituminous Coal Act, Paragraphs (c) and (e) of the Agreement of said distributor executed pursuant to the Order of the National Bituminous Coal Commission in General Docket No. 12 dated March 24, 1939, section VII, Rule "J" of the Marketing Rules and Regulations, and Paragraphs 3, 6, and 7 of the Unfair Methods of Competition set forth in section 4 II (i) of the Act, in its sales of coal produced by Island Creek Coal Company and other code members to various retail dealers and other purchasers by making credit arrangements for such purchasers, which have the effect of granting to said purchasers discriminatory credit allowances, and which constitute the extension to such purchasers of services and privileges not extended to all persons under like terms and conditions and under similar circumstances and an attempt to purchase the business of such purchasers by concession.

It is ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations For the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, be held on May 23, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the County Court House, Huntington, W. Va.

It is further ordered, That Chas. O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing of any adjourned hearing or by subsequent notice, and to prepare and

submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within ten (10) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: April 25, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3196; Filed, May 1, 1941;
11:43 a. m.]

[Docket No. A-529]

PETITION OF DISTRICT BOARD 8 FOR REDUCTION IN CLASSIFICATION IN SIZE GROUPS 18-21 OF COALS FROM THE DABNEY-MACBETH MINES OF HUTCHINSON COAL COMPANY

[Docket No. A-538]

PETITION OF AMHERST COAL COMPANY, DISTRICT 8, FOR REVISION OF MINIMUM PRICES FOR COAL FROM ITS AMHERST NOS. 1 AND 2 MINES IN SIZE GROUPS 8-22, INCLUSIVE

[Docket No. A-579]

PETITION OF THE CLEAN EAGLE COAL COMPANY, DISTRICT 8, FOR REDUCTION IN CLASSIFICATION OF THE COALS OF MINE INDEX 109 IN SIZE GROUPS 18-21 FROM "B" TO "D"

[Docket No. A-594]

PETITION OF WEST VIRGINIA COAL & COKE CORP., DISTRICT 8, FOR REDUCTION IN CLASSIFICATION FROM "D" TO "E" OF SIZE GROUPS 18-21, MINE INDEX 181

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF FOR GREAT LAKES CARGO SHIPMENTS

These proceedings were instituted upon original petitions filed with the Bituminous Coal Division by District Board 8

and code members of District 8, seeking reductions in the classifications of certain high volatile coals of District 8, particularly in the slack sizes, for all shipments except truck and to all market areas.

Pursuant to the Rules and Regulations Governing Practice and Procedure in 4 II (d) proceedings, informal conferences concerning temporary relief were held in all the above-captioned dockets, and,

thereafter, in accordance with Orders of the Director dated January 30 and February 14, 1941, consolidated, and a final hearing held on February 20-28, 1941. Temporary relief has been granted by Orders of the Director reducing the effective price classifications and corresponding minimum prices for the nut-slack sizes of the coals involved, for all shipments except truck to all destinations other than Great Lakes, as follows:¹

Docket No.	Date of order	Coals affected		Size groups	Classifications	
		Code member	Mine		Previous	Temporary
A-529	Jan. 18, 1941	Hutchinson Coal Co.	MacBeth	18-21	"D"	"F"
A-538	Apr. 22, 1941	Amherst Coal Co.	Dabney	18-21	"D"	"F"
			Amherst No. 1	18-21	"E"	"G"
A-579	Apr. 4, 1941	Clean Eagle Coal Co.	Amherst No. 2	18-21	"E"	"G"
		Mallory Coal Co.	Clean Eagle	18-21	"B"	"D"
			Mallory No. 2, No. 3, No. 4, No. 5	18-21	"B"	"D"
A-594	Feb. 18, 1941	West Virginia Coal & Coke	Earling Corp.	18-21	"D"	"E"

On January 31, 1941, Hutchinson Coal Company filed a motion requesting that the temporary relief granted to it be extended for shipments to Great Lakes destinations. The Director was of the opinion, however, that the issues involved in the request for reductions of effective minimum prices for Great Lakes cargo were so serious and controversial, that temporary relief in that respect should not be granted pending the final hearing which was scheduled to be held before the opening of the Lake season. Accordingly, by Order dated February 20, 1941, he denied the motion for extension.

After the close of the final hearing, on March 1, 1941, Hutchinson Coal Company renewed its motion for extension of the relief to shipments of Great Lakes cargo. Motions for temporary relief filed by Clean Eagle Coal Company, Amherst Coal Company, and Mallory Coal Company after the close of the final hearing also contemplated reductions in the effective prices for shipments to the Lake market.

It appears that all the aforementioned code members participate to a somewhat significant extent in the Lake market. From October 1, 1939, to September 30, 1940, almost one-half of the nut-slack coals produced by Hutchinson Coal Company (107,394 tons out of 222,072 tons) appear to have moved to Lake destinations; the nut-slack sizes moving to those destinations during that period constituted almost 25% of the company's total production. The record indicates the following shipments of nut-

slack sizes from Amherst Coal Company since 1937:

Year	Nut and slack to Lakes	Total production nut and slack
1937	81,250	180,550
1938	25,420	123,900
1939	47,900	130,000
1940 (to Oct. 1)	78,408	116,054

Between October 1, 1939, and October 1, 1940, when Clean Eagle Coal Company appears to have been concentrating upon development of a year-round steam market, 53,385 tons of nut and slack, somewhat over $\frac{1}{2}$ of its total production, were shipped from its Clean Eagle Mine, and of this, approximately 12,000 tons appear to have been shipped to the Lakes. It seems that much of Mallory Coal Company's by-product coal has been shipped via Lake in the past, and that with its contemplated entrance into the steam market, some of its largest potential steam coal customers will also prefer Lake shipment. The record indicates as well that West Virginia Coal and Coke Corporation is developing an independ-

¹ Temporary relief was at first denied to West Virginia Coal & Coke Corporation (as intervenor in Docket No. A-529, by Order dated January 18, 1941), to Amherst Coal Company (by Order dated January 28, 1941), and to Clean Eagle and Mallory Coal Companies (by Order dated February 7, 1941). Subsequently, after hearing and upon adequate showing of the necessity therefor, relief was granted as set forth above. Except as noted above, temporary relief was denied to all intervenors in all dockets.

ent steam market for its Earling mine coals, and that the Lake markets will be important for such coals.

Thus it appears that the Great Lakes markets are important so far as the Hutchinson, Amherst, Clean Eagle, and Mallory Coal Companies, and the West Virginia Coal and Coke Corporation are concerned. It is the opinion of the Director that the importance of the Lake market to these producers makes it necessary to extend the temporary relief already granted them for all-rail shipment to shipments of Great Lakes cargo. The extent of the relief which the Director deemed proper for rail shipment, and the reasons for granting it, are already set out in sufficient detail in the Memoranda and Orders heretofore referred to, granting temporary relief in the respective Dockets. No reiteration is necessary. The Director is of the opinion that, except for Hutchinson Coal Company, corresponding relief should be accorded for Great Lakes cargo shipments.

As to Hutchinson Coal Company, however, although an adequate showing for some relief has been made, there is some question regarding the quantum of such relief. As appears from the Memorandum Opinion and Order dated January 18, 1941, in Docket No. A-529, there was doubt whether the MacBeth and Dabney Mines should be temporarily classified "E" as contended by District Board 8, the original petitioner, or "F" as contended by Hutchinson. In view of the drastic curtailment of the mines' all-rail nut and slack shipments and the extreme emergency confronting the producer, the Director at that time (January 18, 1941) reduced the classification to "F". Thereafter, at the final hearing, intervenor Lorado Coal Mining Company actively opposed a reduction below "E". Other parties also opposed the requested reductions. From the record, it appears that Hutchinson's lake shipments in 1940 were very heavy. The close of the Lake season may have contributed more to its distress than appeared to be the case at the informal conference. It further appears that substantial shipments in the Lake markets at a classification of "F" might prejudice the competitive opportunities of other producers, such as Lorado Coal Mining Company, whose coals seem to be similar. The Director is of the opinion that Hutchinson's opportunities in those markets may be preserved by reduction of the price classification for its coals to "E" and temporary relief for shipment to the Lakes should be so limited.

The Director has reexamined the requests for temporary relief of parties other than those above-mentioned, particularly with an eye to Great Lakes cargo shipments. It is his opinion that temporary relief for such parties for Great Lakes shipments is neither warranted nor necessary.

Now, therefore, it is ordered, That temporary relief, pending final disposition of this proceeding, be and the same here-

by is granted by temporarily amending the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck, High Volatile Section, as follows:

Commencing forthwith and pending final determination hereof, the effective minimum price classifications in Size Groups 18 to 21, for Great Lakes cargo only, for the coals of the following mines are reduced as follows:

Mine index No.	Code member	Mine name	Size groups 18-21—Change in classification
150	Hutchinson Coal Company.....	Dabney.....	D to E
304	Hutchinson Coal Company.....	MacBeth.....	D to E
15	Amherst Coal Company.....	Amherst No. 1.....	F to G
16	Amherst Coal Company.....	Amherst No. 2.....	E to G
109	Clean Eagle Coal Company.....	Clean Eagle.....	B to D
312	Mallory Coal Company.....	No. 2.....	B to D
313	Mallory Coal Company.....	No. 3.....	B to D
314	Mallory Coal Company.....	No. 4.....	B to D
315	Mallory Coal Company.....	No. 5.....	B to D
181	West Virginia Coal & Coke Corporation.....	Earling.....	D to E

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be deemed to constitute a ruling or expression of the Director's views concerning the final disposition of these proceedings.

Dated: April 30, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3197; Filed: May 1, 1941;
11:44 a. m.]

[Docket No. 1609-FD]

IN THE MATTER OF HANNA COAL SALES COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 3961, DISTRICT NO. 4, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not the Hanna Coal Sales Company, Registered Distributor, Registration No. 3961, whose address is 1300 Leader Building, Cleveland, Ohio, located in District No. 4, has violated section 4 II (i), 3, 6 and 7 of the Act, Rule 1 (J) of Section VII and Rules 3, 6 and 7 of section XIII of the Marketing Rules and Regulations, § 304.12 (3) and (5) of the Rules and Regulations for the Registration of Distributors, and sections (c) and (e) of the agreement of the Hanna Coal Sales Company as registered distributor, executed pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in Docket No. 12; and

(b) whether or not the registration of said distributor should be revoked or

suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. On September 30, 1940, the Hanna Coal Sales Company entered into a written agreement with the J. J. Wallace Coal Company of Chicago, Illinois, for the sale and delivery of coal to the said J. J. Wallace Coal Company, and in pursuance of said written agreement, the following procedure was adopted:

(a) The Hanna Coal Sales Company on September 30, 1940, leased from the J. J. Wallace Coal Company at Chicago, Illinois, a portion of the latter's retail yard at a nominal rental, said lease being terminable by the defendant at will upon 30 days' prior written notice. Said lease was executed and the procedure hereinafter described was adopted for the purpose of retaining the said J. J. Wallace Coal Company as an outlet in Chicago, for the sale of coal.

(b) The defendant acting as sales agent for Gulf Smokeless Coal Company of Tams, West Virginia, Laurel Smokeless Coal Company of Kathryn, West Virginia and Laurel Creek Coal Company of Laurel, West Virginia, code members in District No. 7, and Inland Steel Company of Chicago, Illinois, code member in District No. 8, shipped to said retail yard so leased by it from the J. J. Wallace Coal Company, coal produced at the mines of said code members and also coal produced by the Clear Branch Mining Company of Ligon, Kentucky, and the Beaver Coal & Mining Company of Drift, Kentucky, code members of District No. 8. Defendant consigned said coal to Hanna Coal Sales Company, Inventory Account, and constantly maintained at said retail yard a stock pile. The freight charges upon all such shipments were prepaid by the defendant.

(c) The defendant retained title and possession of all coals shipped to said re-

tail yard until said coal was required by said J. J. Wallace Coal Company to fill orders for sale obtained by the latter.

(d) As such coal was required by the J. J. Wallace Coal Company to fill the orders obtained by it, the requisite amount of coal was loaded from the said stock pile into its trucks and delivered by it to its customers; at the end of each month the defendant invoiced the J. J. Wallace Coal Company for such coal used by it from said stock pile during the preceding calendar month at the effective minimum prices, f. o. b. the mine, prevailing at the time the said coal was loaded into the trucks of J. J. Wallace Coal Company; and the defendant also at the end of each month invoiced the J. J. Wallace Coal Company for the transportation charges upon such coal from the mine to the retail yard previously prepaid by the defendant.

(e) As the J. J. Wallace Coal Company sold such coal, it assigned to the Hanna Coal Sales Company as security for the purchase price thereof and for the prepaid freight thereon, the accounts receivable for the coal so sold by the J. J. Wallace Coal Company.

3. The prepayment of the freight charges by the defendant as set forth in paragraph 2 (b) hereof, had the effect of granting a discriminatory credit allowance to the J. J. Wallace Coal Company in violation of section 4 II (i) 3 of the Act and Rule 3 of section XIII of the Marketing Rules and Regulations and also violated Rule 1 (J) of section VII of the Marketing Rules and Regulations; and the violation of said provisions constituted a violation of paragraphs (c) and (e) of the agreement of the defendant with the Division described in paragraph 1 hereof.

4. The extension of credit for the freight charges so prepaid by the defendant and the extension of credit for coal so sold by the defendant to the J. J. Wallace Coal Company as set forth in paragraph 2 (c) and (d) hereof constituted a granting of credits and the extension of services and privileges to J. J. Wallace Coal Company not extended to all purchasers under like terms and conditions or under similar circumstances, in violation of section 4 II (i) 6 of the Act and Rule 6 of section XIII of the Marketing Rules and Regulations; and the violation of these provisions constituted a violation of paragraphs (c) and (e) of the agreement of the defendant with the Division described in paragraph 1 hereof.

5. The leasing by the defendant of a part of the retail yard of J. J. Wallace Coal Company and the storing of coal therein by the defendant as set forth in paragraph 2 (a) and (b) relieved the J. J. Wallace Coal Company from the necessity of making substantial investments in coal and constituted a concession by which the defendant purchased the coal business of the J. J. Wallace Coal Company, in violation of section 4 II (i) 7 of the Act, Rule 7 of the Marketing

Rules and Regulations; and the violation of these provisions constituted a violation of paragraphs (c) and (e) of the agreement of the defendant with the Division described in paragraph 1 hereof.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations For the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on May 28, 1941 at 10 a. m. at a hearing room of the Bituminous Coal Division at 734 15th St. NW., Washington, D. C.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within ten (10) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: April 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3195; Filed, May 1, 1941;
11:43 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

DETERMINATION WITH RESPECT TO THE ISSUANCE OF AN ORDER REGULATING THE HANDLING OF MILK IN THE DULUTH- SUPERIOR MILK MARKETING AREA

Handlers of not less than fifty per centum of the volume of milk covered by the order regulating the handling of milk in the Duluth-Superior milk marketing area, which is marketed within the marketing area defined in such order, having signed a marketing agreement which regulates the handling of such milk in the same manner as such order, it is hereby determined that the issuance of the order regulating the handling of milk in the Duluth-Superior milk marketing area is approved or favored by at least two-thirds of the producers who participated in a referendum conducted by the Secretary, and who, during the month of January 1941, said month having been determined to be a representative period, were engaged in the production of milk for sale in the marketing area specified in such order.

In witness whereof, the undersigned has executed this determination in duplicate, and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 30th day of April 1941.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-3189; Filed, May 1, 1941;
11:16 a. m.]

PROCLAMATION CONCERNING THE BASE PERIOD TO BE USED IN CONNECTION WITH THE EXECUTION OF A MARKETING AGREEMENT AND THE ISSUANCE OF AN ORDER REGULATING THE HANDLING OF MILK IN THE DULUTH-SUPERIOR MILK MARKETING AREA

Pursuant to the powers conferred by the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, it is hereby found and proclaimed that, in connection with the execution of a marketing agreement and the issuance of an order regulating the handling of milk in the Duluth-Superior milk marketing area, the purchasing power of such milk during the base period August 1909-July 1941 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk can be satisfactorily determined from available statistics in the Department of Agriculture for the period August 1919-July 1929; and the period August 1919-July 1929 is hereby found and proclaimed to be the base period to be used in connection with ascertaining the purchasing power of milk handled in the Duluth-

Superior milk marketing area, for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of milk in that area.

In witness whereof, the undersigned has executed this proclamation in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 30th day of April 1941.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-3188; Filed, May 1, 1941;
11:16 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4320]

IN THE MATTER OF SALT PRODUCERS ASSOCIATION, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of April, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 2, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 859, Federal Building, Detroit, Michigan.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3203; Filed, May 1, 1941;
11:49 a. m.]

[Docket No. 4342]

IN THE MATTER OF REX DRUG COMPANY, A CORPORATION, AND LOUIS PODROFSKI, INDIVIDUALLY AND TRADING AS REX DRUG COMPANY, AND AS AN OFFICER OF REX DRUG COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 29th day of April, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Arthur F. Thomas, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, May 23, 1941, at nine o'clock in the forenoon of that day (central standard time), in Room 1121, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3204; Filed, May 1, 1941;
11:49 a. m.]

[Docket No. 4378]

IN THE MATTER OF MRS. ANNE M. JENKS,
TRADING AS JENKS PHYSICIANS' SUPPLIES,
AND DEPENDON PRODUCTS

ORDER APPOINTING TRIAL EXAMINER AND FIX-
ING TIME AND PLACE FOR TAKING TESTI-
MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of April, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Arthur F. Thomas, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, May 20, 1941; at nine o'clock in the forenoon of that day (central standard time) in Room 1121, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Ex-

aminer will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3205; Filed, May 1, 1941;
11:49 a. m.]

SECURITIES AND EXCHANGE COM- MISSION.

[File No. 70-292]

IN THE MATTER OF CENTRAL STATES POWER
& LIGHT CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of April, A. D. 1941.

A declaration pursuant to the Public Utility Holding Company Act of 1935 having been filed with this Commission by Central States Power & Light Corporation, a registered holding company of the Ogden Corporation holding company system, for approval of the proposed sale of all of its properties in the State of Texas, consisting of gas properties and gas property rights and other assets pertaining thereto for the sum of approximately \$600,652.96 in cash, to Texas Gas & Power Corporation, a corporation recently organized under the laws of Delaware which is not a registered holding company and will not become so by virtue of the proposed transaction; and

A declaration pursuant to said Act having also been filed by Central States Power & Light Corporation regarding the proposed acquisition by it, by purchase in the open market at the lowest prices obtainable, of such amount of its outstanding First Mortgage and First Lien Gold Bonds, 5½% Series, due 1953, as may be purchased by the expenditure of a sum approximately equal to the proceeds of the sale referred to in the preceding paragraph.

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a joint hearing be held with respect to said declarations and that said declarations should not become effective except pursuant to further order of the Commission, and that at said joint hearing there be considered among other things, the various matters hereinafter set forth:

It is ordered, That a joint hearing on such declarations under the applicable provisions of said Act and the rules of the Commission thereunder be held on May 9, 1941, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102

will advise as to the room where such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 6, 1941.

It is further ordered, That, without limiting the scope of issues presented by said declarations, particular attention will be directed at said hearing to the following matters and questions:

1. The reasonableness of the consideration proposed to be paid to Central States Power & Light Corporation for its properties located in the State of Texas.
2. The conformity of the proposed transfer of securities to the integration provisions of the Act.
3. The effect of the proposed purchases of First Mortgage and First Lien Gold Bonds 5½% Series, due 1953, on the financial integrity and working capital of Central States Power & Light Corporation.
4. The asset and earnings coverage of the outstanding First Mortgage and First Lien Gold Bonds 5½% Series, due 1953, of Central States Power & Light Corporation.
5. The policy and plans of declarant with respect to liquidation whether any of the transactions proposed will in any way be detrimental to the public interest or the interests of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3207; Filed, May 1, 1941;
11:52 a. m.]

[File No. 70-306]

IN THE MATTER OF LOUISVILLE GAS AND
ELECTRIC COMPANY (KENTUCKY) AND
LOUISVILLE GAS AND ELECTRIC COMPANY
(DELAWARE)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of April, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than May 10, 1941, at 1:00 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below.

Louisville Gas and Electric Company (Kentucky), a subsidiary of Louisville Gas and Electric Company (Delaware), a registered holding company, proposes to issue \$19,519,800 par value of 5% Cumulative Preferred Stock, \$25 par value; such preferred stock would be offered to the holders of said company's presently outstanding 7% and 6% Cumulative Preferred Stock under an exchange offer, and any shares not so exchanged would be sold to underwriters and the proceeds used to redeem said 6% and 7% Cumulative Preferred Stock. Louisville Gas and Electric Company (Delaware) which owns \$3,126,800 par value of said 7% Cumulative Preferred Stock and \$353,400 par value of said 6% Cumulative Preferred Stock would not exercise its right under the exchange offer to received new 5% Cumulative Preferred Stock but proposes to exchange said stock for 160,089 shares of reclassified common stock of no par value of Louisville Gas and Electric Company (Kentucky).

Louisville Gas and Electric Company (Kentucky) also proposes to reclassify its Class A common stock and Class B common stock, substantially all of the shares of which are owned by Louisville Gas and Electric Company (Delaware) into common stock without par value.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3208; Filed, May 1, 1941;
11:52 a. m.]

[File No. 70-304]

IN THE MATTER OF THE NORTH AMERICAN COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 30th day of April, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than May 9, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The North American Company, a registered holding company, proposes to sell to a group of underwriters headed by Dillon, Read & Co. its holdings of 58,710 shares of Preferred Stock, 4¾% Series, par value \$100 per share, of its subsidiary company, Wisconsin Electric Power Company. It is stated in the declaration that the consideration for the proposed sale, which is to be supplied by amendment, will be determined by negotiation with the underwriters, none of which is affiliated with The North American Company. It is further stated that The North American Company desires to consummate the proposed sale in order to reduce the percentage of voting stock of Wisconsin Electric Power Company held by it and to obtain a wider distribution of the securities of Wisconsin Electric Power Company in the territory in which that company operates.

The Commission has been requested to issue its order on or before May 9, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3209; Filed, May 1, 1941;
11:52 a. m.]

[File No. 43-139]

IN THE MATTER OF OKLAHOMA POWER AND WATER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of May, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than May 16, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Oklahoma Power and Water Company, a subsidiary of The Middle West Corporation, a registered holding company, proposes to extend the maturity date from August 1, 1941 to August 1, 1942 of seven 5% Unsecured Promissory Notes aggregating \$412,000 in principal amount. Said notes, together with other notes, were the subject of two previous declarations filed in this matter, the first of which, regarding their issue and sale, having been permitted to become effective by order of the Commission, dated July 28, 1939, and the second, regarding extension of maturity date from August 1, 1940 to August 1, 1941, having been permitted to become effective by further order of the Commission, dated June 1, 1940. The notes by their terms provide that the maturity date of each may be further extended from August 1, 1941 for two successive one-year periods until August 1, 1943, upon written notice to the payee, Sand Springs Home, Sand Springs, Oklahoma.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3210; Filed, May 1, 1941;
11:52 a. m.]

[File No. 70-305]

IN THE MATTER OF ATLANTIC UTILITY SERVICE CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of May, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to

the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than May 17th, 1941 at 1:00 P. M., E. S. T. request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Atlantic Utility Service Corporation, a mutual service company in the Associated Gas and Electric System, proposes to acquire from Trustees under Pension Trust Agreement dated December 14, 1937, as amended, for \$1,000 in cash, all of the outstanding securities, consisting of 10 shares of Class B common capital stock of Employees Welfare Association, Incorporated (Delaware), an associate company. The application states that the proposed transaction is part of a general program designed: (1) to separate the custodial functions of the Pension

Trustees, from the administrative functions of the agencies servicing the insurance and pension plans and, (2) to combine the servicing functions of Employees Welfare Association (Delaware) and Employees Welfare Association (N. J.), to the extent feasible, with the functions of the regular servicing organization of the Associated Gas and Electric System.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3211; Filed, May 1, 1941;
11:53 a. m.]

[File No. 1-780]

IN THE MATTER OF BACKSTAY WELT
COMPANY

ORDER GRANTING APPLICATION TO WITHDRAW
FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of April, A. D. 1941.

The Backstay Welt Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, No Par Value, from listing and registration on the Chicago Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective

at the close of the trading session on May 10, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3212; Filed, May 1, 1941;
11:53 a. m.]

[File No. 1-2992]

IN THE MATTER OF THE ELK HORN COAL
CORPORATION

ORDER GRANTING APPLICATION TO STRIKE
FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 30th day of April, A. D. 1941.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of The Elk Horn Coal Corporation; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 10, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3213; Filed, May 1, 1941;
11:53 a. m.]

